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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

12° & 13° VICTORIÆ, 1849.

VOL. CVII.

COMPRISING THE PERIOD FROM

THE NINTH DAY OF JULY,

TO

THE FIRST DAY OF AUGUST, 1849.

Sixth and last Volume of the Session.

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1849.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 1 FEBRUARY, 1849, IN THE TWELFTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 9, 1849.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund.
2ª Inclosure Act (Extension of Powers).
Reported.—Silver Coinage; Mutiny and Desertion (India).
3ª Loan Societies; Ecclesiastical Jurisdiction; Soap Duty Allowances; Assaults (Ireland).

PETITIONS PRESENTED. From Norwich, Bradford, and other Places, that no Exception may be made respecting Grants in Aid of Education (Ireland).—By Lord Wharncliffe and Earl Nelson, from Yeovil and Eccleshall, against the Granting of any New Licenses to Beer Shops; and from Durham and Northumberland, that Measures may be adopted for the Prevention of Explosions in Coal Mines.—From Blandford, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—From Thetford, for Extending the Jurisdiction of County Courts.

PRISON DISCIPLINE.

LORD BROUGHAM begged to call the attention of his noble Friend (the Marquess of Lansdowne) to two additional Resolutions on the subject of prison discipline which he desired to lay before the House. The object of the first of these resolutions was to prevent contamination amongst untried prisoners, by having recourse to separate confinement; and the next was, to have more frequent gaol deliveries. The last-named object might, he considered, be effected by extending the jurisdiction of the county courts now established, by means whereof criminal justice might be there administered. He would then merely lay the Resolutions on the table, and, on a future occasion, he would call the attention of their Lordships to them.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 9, 1849.

MINUTES.] PUBLIC BILLS.—1° Audit of Railway Accounts; Petty Bag, &c. Offices Amendment; Commons Inclosure (No. 2); New Zealand Land Conveyances; Compound Householders.
2° Poor Relief (Cities and Boroughs); Boroughs Relief; Trustees Relief; Friendly Societies (No. 2); House of Commons Offices.
Reported.—Joint Stock Companies Act (1848) Amendment; Newgate Gaol (Dublin); Highway Rates; Turnpike Trusts Union; Titles of Religious Congregations (Scotland).
3° Poor Relief (Ireland); Bankruptcy (Ireland); Real and Personal Property Transfer.

PETITIONS PRESENTED. By Mr. P. Miles, from Bristol, for Universal Suffrage.—By Mr. Bateson, from Magherafelt, for the Clergy Relief Bill, and for a Better Observance of the Lord's Day.—By Mr. Gladstone, from Aberdeen, against, and by Mr. Coles, from Boston, in favour of, the Marriages Bill.—By Mr. Cowan, from the Scottish Anti-State-Church Association, for an Alteration of the Australian Colonies (No. 2) Bill.—By Mr. Wrightson, from Northallerton, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Duncan, from Dundee, for Reduction of the Public Expenditure.—By Mr. Osman Ricardo, from Worcester, for the Bankrupt Law Consolidation Bill.—From the Tower Hamlets, for the Prohibition of Interment in Towns.—By Mr. Thornely, from Middle Hutton, against the Mines and Collieries Bill.—By Mr. W. Fagan, from Cork, against the Poor Relief (Ireland) Bill.

MARRIAGE (SCOTLAND) BILL.

The LORD ADVOCATE moved the consideration of the Lords' Amendments to this Bill.

Mr. FORBES MACKENZIE said he should object to the consideration of the Amendments.

Mr. SPEAKER informed the hon. Member that it was not competent for him to make such a Motion upon that stage of the Bill. It was competent for him to move the recommittal of the Bill; if a Motion of that kind were not made, the Amendments would be considered, and the next question would be upon the third reading of the Bill.

Mr. FORBES MACKENZIE having declined to move the recommittal of the Bill, the Amendments were considered.

Amendments agreed to.

Motion made, and Question proposed, "That the Bill be read a Third Time on Monday next."

Mr. FORBES MACKENZIE then rose for the purpose of opposing the further progress of the measure. He thought that Scotch Members, and the people of Scotland generally, had great reason to complain of the conduct of Government with respect to the management of this Bill. It had been read a second time *pro formâ*, with the express understanding that it should be sent to a Select Committee to be further considered. In that Committee it was decided that evidence should be heard in support of the allegation in the Bill, that the law with respect to marriages in Scotland required alteration. One or two witnesses having accordingly been examined, the learned Lord Advocate, who had charge of the Bill, said that he did not think that he was called upon to prove the allegation of the Bill, and that the rest of the evidence should be confined to the state of the law upon the subject. It had been said, over and over again, that the feeling of opposition among the people of Scotland with respect to this Bill had been greatly exaggerated. It would have been much the wiser course, in his opinion, to have allowed witnesses to have been examined before the Committee, in order to show what the real feeling of the people was, than to have refused to hear evidence on the subject. After the Bill had left the Committee, it had been continued on the orders of the day night after night, and had never been attempted to be brought on until after twelve o'clock. It had been the fashion for several years to treat all Scotch business in this manner; but he hoped that, in future, Scotch Members would not have a similar grievance to complain of. With respect to the Bill itself, its merits were to be considered in a twofold view—first, with respect to its effects upon England; and, secondly, with respect to its effects upon Scotland. He thought he could show satisfactorily to English Members that the Bill would not remove any of the grievances of which they at present complained; but he would, at the same time, give them the assurance that if any Bill were to be brought in which would have the effect of curing those grievances, he would give it his most hearty support. The principal grievance complained of in England was, that persons who were desirous of making runaway matches might do so by passing the Scottish border, and be there married under the law of Scotland. But how was this proposed to be dealt with by this Bill? The remedy proposed was, that a fine of 200*l.* should be imposed upon the registrar who should marry any person who had not been resident in his district for fourteen days at least. In the cases of persons so married, however, the marriage would be held valid, but the registrar would be fined. Could anything be a more inefficient remedy for the evil complained of? Any person running away with a wealthy heiress would be glad to give the registrar the amount of the fine at once in order to have the marriage completed; and there was no doubt but that the registrar himself would be perfectly willing to accept a fee which would be of far greater value than the eight or ten pounds per annum which he might receive from his office. The learned Lord opposite had spoken in a somewhat disparaging manner of the petitions which had been presented against the Bill. He (Mr. F. Mackenzie) solemnly believed that those petitions expressed the sentiments of the great bulk of the people of Scotland with respect to this measure. The Scotch people did not want this Bill; there was no mincing the matter, they did not want it. He was not prepared to state that the law of marriage in Scotland could be considered as perfect. There were, no doubt, a great many objections to the law as it now stood, but some of those objections would apply equally to the marriage law of every other country in the world. With respect to clandestine marriages, to which so much reference had been made, they were of very rare occurrence, for no persons in Scotland, of any credit or character, would conceive themselves properly married unless they were married by a clergyman. One of the great objections which he had to the Bill was, that it allowed persons to be married before a registrar or magistrate. He thought the proposed change would be attended with serious inconvenience, and for that reason he should feel it his duty to give the measure every possible opposition that the rules of that House allowed.

Amendment proposed, to leave out the words "Monday next," and insert the words "this day three months."

MR. ELLIOT said, that as reference had been made to the refusal on the part of the Committee to hear other than legal evidence upon the state of the law of marriage in Scotland, he would state that the grounds upon which he considered such evidence ought to have been rejected were, that the Committee had been appointed expressly to consider the state of the law with respect to marriages in Scotland, and that being the case, he thought that a quantity of contradictory evidence with respect to the feelings and opinions of the people of Scotland, would not have served in the least the object of the Committee, and would, even if it had been received, have been of no sort of value to the House, when it came to consider the state of the law with respect to the subject with which it had to deal. It was under that conviction that he had moved in the Select Committee that the remaining evidence should be confined to persons of the legal profession. With respect to the law of marriage as it now existed in Scotland, he believed with Lord Brougham that it would be a disgrace to any semi-barbarous nation. In answer to a statement made by the hon. Member for Peebleshire, that irregular marriages were of very rare occurrence in Scotland, he would only state that not long since it was stated in the *Scotsman* newspaper that in the parish of Mornington alone there had been in one year upwards of 2,000 marriages of this description. The law as it at present stood was most objectionable, and he saw no reason why it should not be altered and placed upon the same footing as in this country, securing to the progeny of marriages the succession to the rights of property, and enabling people to know with certainty whether any persons were really married or not.

SIR G. GLERK said, that although not a Scotch Member himself, still possessing as he did an intimate knowledge of the opinions of the people of Scotland on the subject, he felt desirous of stating his reasons why he objected to the further progress of this measure. He contended that in order to have arrived at an accurate conclusion with respect to the state of the law as regarded marriages in Scotland, it was necessary for the Committee not only to have considered the existing state of the law, but also to have ascertained, from the evidence of persons connected with the subject, the feelings and opinions of the people of Scotland with respect to the evils, if any, arising out of the present state of things, and the remedies which might be most effectual for their removal. He believed that by the exclusion of evidence as to the feelings and opinions of the people of Scotland, they had in reality shut out what would have been the most valuable part of their inquiry. It had been said with regard to the present defective state of the marriage law in Scotland, that the time of the House of Lords was almost exclusively occupied by hearing appeals arising out of questions connected with the law of marriage in that country. So far from that being the case, he found by a return lately presented to Parliament, that there had been only four cases before them for the last five years. The law of marriage in Scotland had been denounced as one fit only for a semi-barbarous country. In answer to that statement, he begged to state that the law now existing in Scotland was almost precisely the same as it existed in England previous to the passing of Lord Hardwicke's Act in the reign of George II., which was then considered as an unnecessary innovation of the law as it then existed. By the present law of Scotland, there was only one regular mode of contracting marriages, and any marriage contracted without the intervention of a clergyman, after the proclamation of banns as required by law, subjected the parties who entered into it to a fine, if the Lord Advocate in his discretion should sue for it;

but certainly subjecting them to ecclesiastical censure. But although there was only one regular mode of solemnising marriage, still the law of Scotland, looking upon marriage as a civil contract, gave validity to contracts entered into between two persons, and considered their declarations, though not made in the presence of a clergyman, to be binding upon the parties, neither of them having the power of resiling from the contract. There was no doubt that a state of the law which might be highly objectionable to the public feeling of one country, might be perfectly well adapted to the public feeling of another country. He was quite aware that in Scotland rash marriages had been made; but the reason of that was, that young men could not obtain possession of females by any other means. He would appeal to any hon. Member to bear him out in the truth of his assertion, that in England cases of seduction and breaches of promise were far more numerous than they were in Scotland. On the passing of Lord Hardwicke's Act it was prophesied that such would be its effects, and that the weakness of love would give way to the efforts of a bold and heartless seducer, notwithstanding the circumstance of any promise of marriage made by him not being binding, unless the marriage was actually solemnised in the presence of a clergyman. Such cases do not, and cannot, however, exist in Scotland. What was the effect of the law as it at present stood, in preventing cases of seduction and breaches of promise of marriage? It was this: no person could make use of a promise of marriage as an instrument for the seduction of any female; because, if he did so, the law of Scotland said, by that promise he must be bound. If they could establish the existence of cases of young men being entrapped into marriage by persons below them in station, or rank, or any other abuse of the law, no doubt they would then have made out a case for the alteration of the law as it now existed. They could not, however, lay their hands upon a single case of that kind. With respect to the parish of Mornington, which had been referred to by the hon. Member for Roxburghshire, that was a parish close upon the border of the two countries, and the great majority of those who were married there were persons who, for some reason or other, wished to cross the border in order to take advantage of the benefit of the Scottish law. He was perfectly ready, and he believed Scotch Members also were equally prepared, to give his assent to any measure which should prevent the evasion of the English law, or which should prevent parties taking any advantage of the difference which existed between the laws of the two countries. In Scotland every minister was entitled to marry the members of his own congregation. There was no grievance or hardship upon the conscience of any man in Scotland. [Mr. FOX MAULE: The banns must be published in the parish church.] He had never heard that that was any cause of complaint to the people of Scotland that three weeks' notice must be given in the parish church of their intention to marry. All statutory notices were required by law to be given in parish churches. He was not aware that the people of Scotland had ever thought that that was a grievance. He supposed, however, that it was now considered as much by the members of the Free Church, if he might judge of their feelings by the interest which the right hon. Member opposite appeared to take in the question. [Mr. FOX MAULE: It is a grievance.] He was most happy to hear that that numerous and respectable body had no more serious grievance of which to complain. This Bill, however, went much further than the removal of that grievance, inasmuch as it proposed to legalise marriages not solemnised by clergymen, and to which the members of the Church entertained the most serious objections. At present, any persons who were married, by merely expressing themselves as being man and wife, would be subject to ecclesiastical censure. They now proposed to sweep away all irregular marriages in Scotland, and to have, as in England, regular marriages only. In that case no persons would be subject to ecclesiastical censure; and the clergy of Scotland generally felt that such a step would be highly injurious to the moral feelings of the people of the country; and that objection had been set forth in the strongest manner in the petitions which had been presented against the Bill. Looking at the very few instances of irregular marriages that occurred—looking also to the protection afforded by the existing law to females against seduction under fraudulent promises of marriage, made by persons who never meant to carry those promises into effect—he thought that the people of Scotland had a perfect right to ask the House to allow the law of marriage to remain as it then stood. Any cases of grievance or abuse which had been brought forward were confined solely to the English border; and he believed there was no person in Scotland who would not most cordially give his assent to the abolition of Gretna-green, or "border" marriages, as they were called in Scotland. The settlement of the great question of legitimacy in accordance with the laws of both countries would be a worthy object for the attention of any statesman; but the present Bill, he thought, was both uncalled for and unnecessary. The learned Lord Advocate had also brought in a Bill for the registration of births, deaths, and marriages; and it was only with a view of making that measure work more effectually that he had proposed to introduce these vital and important changes in the law of Scotland, injurious to the morals of the people of Scotland, and in direct opposition to their wishes. No doubt, a perfect system of registration would be a very good thing, but it was just possible that they might pay too great a price for it. This Marriage Bill would be a perfect dead letter, a mere piece of waste paper, unless it formed part and parcel of the Registration Bill. Believing, as he did, that the general feeling of the people of Scotland was against the measure, he felt bound to give his support to the Amendment of his hon. Friend the Member for Peebleshire, and he should be greatly disappointed if upon the division he did not find a majority of the Scotch Members voting with him against the third reading of the Bill.

The LORD ADVOCATE begged to remind the House that the present measures were not new to the House. Measures substantially the same as these had been brought in by him in 1847. They were then read a second time, and a full statement of their nature was made by him in withdrawing them for that Session. In 1848 they were introduced into the House of Lords, where they underwent the fullest discussion, having been referred to the consideration of a Select Committee, consisting mainly of noble Lords connected with Scotland. Several amendments were made by the Committee on those Bills, and in that state they passed the House of Lords with scarcely a dissentient voice. They were then brought down to the House of Commons, and read a second time; but owing to the late period of the Session, and a desire upon the part of Her Majesty's Government that the people of Scotland should have an opportunity of considering them, the Bills were a second time withdrawn. In the present Session the Bills had been again introduced into the House of Lords; the Registration Bill had passed that House unanimously; the Marriage Bill with one dissentient only—the Earl of Aberdeen. In these circumstances they came down to the House of Commons. At the desire of many Scotch Members, the Bills were not pressed forward previous to the 30th of April; and since that time the pressure of public business had prevented their being taken into consideration until the present time. Under these circumstances, he thought it was not unreasonable in the Government to wish to have them proceeded with this Session. The first great object of the present Bill was to introduce a certainty, and to remove the great sources of uncertainty which at present existed with respect to the condition of marriage in Scotland, and to leave it no longer a matter of doubt or difficulty, to be ascertained only by the sifting and investigation of most unsatisfactory evidence, whether any parties had or had not contracted the status of marriage. The second object was one to which he attached at least as much importance, namely, to ensure, as far as possible, publicity to the contraction of marriage. It was in order to ensure this publicity, and to put an end to a state of the law which he could not help considering as disgraceful to any civilised community—a state of law which not only admitted, but encouraged, as much as law could encourage, the contraction of marriage, and the concealment of the fact. That was one of the great objects of this Bill. He knew of no greater evil in society than clandestine marriages; and he had never heard an opinion expressed by any lawyer, writer, judge, or person of authority, in any station whatever, which did not condemn most strongly the system of clandestine marriages, and which did not reprobate in the strongest manner a state of law which encouraged people to contract marriages, and hold themselves out to society as single or unmarried persons. The third object of the Bill was one which was, perhaps, less easy of attainment, but still, to a certain extent, attainable, namely, to provide for a reasonable intimation of the parties' intention to marry, and in order to prevent incautious, over-hasty, and fraudulent marriages, by giving the friends of the parties some intimation of their intention to contract marriage. Requiring this intimation of the parties' intention to marry, would, he was certain, more than anything else, prevent that which every one admitted to be a great grievance—he meant what were commonly called "Gretna-green" marriages. He was astonished to hear the right hon. Baronet opposite state that it was the first time he had heard it considered as a grievance that persons could not marry without the proclamation of banns in the parish church, by the payment of a large fee to the precentor, or other officer of the church. That had always been considered a very great grievance by the Dissenting body throughout Scotland, so far as he understood. The members of the Episcopal communion were, however, saved from that grievance, because they were provided with an Act of Parliament which provided that the proclamation of banns made in their own chapel was sufficient to authorise a clergyman to solemnise the marriage. The grievance in this case was felt to be still greater by the Dissenters, because the friends of the parties who did not attend the parish church, had no opportunity of deriving from the proclamation of the banns any of the benefits of publicity. The present law of marriage in Scotland was founded on the principle of requiring the consent of the parties, and did not even require intercourse between the parties to complete the union. But with respect to the evidence to be given of such consent, and consequent completion of the contract, the law was very loose and unsatisfactory. It might be by writing—it might be by wading through voluminous correspondence—that such evidence of consent was to be obtained. Parties might live together, and be supposed married by some, and not be supposed married by others, and yet what was called the reputation of being married was sometimes the only evidence to be procured or relied on. The declarations of persons in the presence of other parties were also sometimes held as evidence; but all these matters led to great uncertainty, and often to prolonged litigation, in the course of which many and various questions might arise which it was most difficult to solve. Was it expedient that such a state of things as that should be suffered to exist? Take another case: parties lived in an equivocal position; it was almost generally supposed that they lived as mistress and protector; they were not visited; it was supposed by some that they were married, and by others not; then a question arose—and this was a real case—whether there was such reputation joined with cohabitation as to make a valid marriage. The court held, by a decision of eight of the Judges against seven, that there was a marriage. The case affects a large estate, and the decision held the issue of the cohabitation to be entitled to the property. The case came by appeal to the House of Lords, and was argued before Lord Eldon. He had great difficulty about it, said he could not understand such evidence as had been given in the case, and reversed the decision of the court below. The use he (the Lord Advocate) made of this was, to show that so long as the law of Scotland was not reduced to evidence of a clear and definite nature, there must always be disputes and great difficulties. Then, with respect to the exact words to be used, who could say what those should be? A case arose some years ago of this description, and which involved property to the amount of many thousands a year: a gentleman lived for some years in cohabitation with a female, who bore several children to him. One day he called his servants into the room where he was with the female and with his children and said to them, "I acknowledge this woman to be my wife," and "I acknowledge these children to be my children." He then left the room, gave some orders to his servants, went out, and in half an hour shot himself. It was said he was mad. An inquiry took place, and he was found to have been sane. Another question, however, much more difficult, then arose, which was—Did he intend, by his statements, to make the woman his widow, and those children his heirs? Now. these were questions that would constantly arise where parties wished to commit frauds upon insurance offices, for instance, so long as the law remained in its present state; and parties would delay acknowledging their marriage till the last moment. Another way of making a marriage in Scotland was by a promise of marriage, and intercourse afterwards had upon the faith of that promise. It was not very clear by the law of Scotland how that promise was to be proved. Some cases went the length of bringing in the courtship; and if it were found there had been an honourable courtship, the court would hold that there had been a promise. But surely this could not be considered the best law for Scotland. It was also a state of law which was attended with the greatest difficulty and danger—that held that a promise of marriage made by one and accepted by the other might be proved, not only by direct writing, but by the spelling and inference to be drawn from a long course of correspondence. There was, however, another anomalous case: there had been cohabitation for a length of time; it ceased; then came a promise of marriage, or a letter, which would be interpreted to imply such a promise; the parties lived together again, and the law was, that during the latter period they were to be considered as having been married, although during the former period they had lived together illegally; and it was said that the object of this was to protect the female, and not to leave her to a dependence upon the honour of a man. But in how many cases, as it was well known to all lawyers, from the statement of the woman, had this promise been made by the man where he had got hold of the paper afterwards, destroyed it, and left the woman a sacrifice to that state of law! In how many instances had not the confiding woman received the most direct and positive promise from the man before she had surrendered herself to him; and deserting her afterwards, what remedy had she but to appeal to the oath of her seducer?—and it was more than he (the Lord Advocate could believe that a man who had so conducted himself to a female, when put upon his oath afterwards, would confess his promise. He had no hesitation in stating, as the result of a long professional experience, which had brought many of these cases under his consideration, that this law, which the right hon. Baronet opposite appealed to as a proper law for Scotland, had led to more cases of seduction than any other law that had ever been enacted. Upon this state of the law he would ask the House to consider for a moment how it was that the Bill he had introduced was to operate? He held all marriages to be good which should be celebrated by a clergyman. Where a clergyman was resorted to in Scotland, he should hold that act to be good, with this exception, that to prevent imprudent or hasty marriages, if there should be no proclamation of banns, then a certificate of the intention to marry, which should be published, should be obtained; and the publicity of that registration would be greater than that of the proclamation of banns. With respect to irregular marriages—marriages which were to be considered to have been made by promise and subsequent intercourse, those to be made out by cohabitation and reputation, and those to be considered to have been made by private writings interchanged between the parties, and probably kept secret for a long series of years, he should admit no evidence of any marriage not celebrated by a clergyman, except those of the simple registration of the intention of the parties to marry made by the registrar, and signed by the parties themselves. This would not only prevent difficulty or dispute as to the marriage afterwards, but it would be certain to insure publicity. When parties went before a clergyman to get married, accompanied by their friends and witnesses, the presumption must be that there could be in such a case no intention to conceal the union, therefore there was not much necessity for guarding against evil in those instances; still they had been well provided for, because the clergyman was directed, under this Bill, to communicate the marriage to the registrar, and the registrar was authorised to proceed against the parties for penalties, if the registration was not effected by them within a certain time after the marriage, so that publicity as much as possible should be insured. Then the third point to be attained by the Bill, was to require that the parties proposing to marry, if they did not have banns proclaimed, should intimate their intention of marrying to the registrar, by which all the publicity possible should be given to that intention, and all friends of the parties in that way receive the speediest information of the event. No clergyman should be at liberty to celebrate a marriage except banns had been proclaimed; and no registrar should be at liberty to give a certificate of registration until after the names had been registered by him for such a length of time as would admit of publicity of the intention to marry. This would have the effect of, at all events, preventing fraudulent marriages. It had been said by the hon Member for Peebleshire that the penalty proposed was not sufficient to deter from violating the Act; but the House ought to recollect that it was dealing with public officers. There was a penalty of 200*l*., and also a penalty of imprisonment, for improperly celebrating a marriage; and no doubt loss of office would follow the infliction of those penalties. What more could be asked for? It would be quite impossible to provide against every imaginable case of either fraud or violation of duty. His hon. and learned Friend the Member for Argyllshire would remember a case that came before the court in Scotland, involving a promise of marriage. The woman had got hold of a piece of paper on which the man had written his name, and above that signature she had written in her handwriting his promise to marry her. In the first instance that was held to be a valid promise, but afterwards that decision was reversed. That, however, showed the difficulties that existed under such a state of law as that which existed in Scotland. With respect to consequences, he referred the House to the case of a gentleman in Scotland possessed of extensive landed property there, who had married a lady from England, connected with one of the most noble families in the country; and after the union had subsisted a year or two, a claim was brought against him by a woman in Scotland of a previous marriage, which claim depended upon writings, in which she affirmed a promise of marriage was given, and there had been subsequent cohabitation. These were held to be proved, and the English marriage was declared void. Fortunately there was no issue by the second marriage, for if there had been, that issue would have been deprived of the very large property which legitimate issue under that marriage would have been entitled to. The lady, who had once thought herself honourably married, found herself to be deceived, and she retired to live with her friends again, as a lady who had not been married. Was that a state of law to be approved of, or was it not sufficient of itself to induce the House to interfere to put an end to clandestine marriages? It was only three or four weeks since he had been retained as counsel in a case of this character. The libel stated that there was a marriage in 1818 upon a promise by writing between the parties, and which had been secret. The plaintiff was issue of that marriage, and born about 1827. His father afterwards married an English lady; his mother took no steps against that marriage, from a wish not to bring the man into troubles and difficulties. The plaintiff, however, now sought to have that subsequent marriage set aside, the setting aside of which will have the effect of taking away a very large estate from other persons as well as a baronetcy, which had been held for many years. And such were some of the disastrous consequences of these clandestine marriages. With regard to the nature of this measure itself, the objections to it were principally from the Church of Scotland; and more incongruous objections than they were could not well be thought of. The Church said you are making marriage too easy, because you are enabling persons to marry by registration. But surely marriage by registration was not so irregular as all the other modes of marriage that prevailed in Scotland. Well, but then in the next breath, the Church said, you are making marriage too difficult, because you are preventing people marrying by promise and subsequent intercourse. His answer to that was, that he was only making marriage reasonably proper. Then another objection was, that by this Bill the House would be countenancing the law of irregular marriages, because there was now no statute law by which marriages in Scotland were regulated; but he would ask, were they, because there was no statute law, to disregard the common law of the country; and when they found that the common law of Scotland recognised all irregular marriages, could it be said that the House was now making legal irregular marriages, when the object of the present Bill was only to put them down? At present, the only regular marriage in Scotland was after the publication of banns; the only case of penalty was for the celebration of it without such publication; the clergyman might be left out altogether, and then no penalty would be incurred. Upon the whole, there could not be a more absurd state of law. Looking at the objections put forward by the Church of Scotland against this Bill, there were no grounds for those objections at all. He admitted the clergymen of Scotland were generally against this measure; but surely the House would think that by this time, the third year of the discussion of this Bill, those rev. gentlemen ought to have come forward with some substantial grounds for their opposition. If they meant to say that they came here to assert that they had the power or right to supersede the interference of the Legislature, they would put forward a right in them much greater than the Church of Rome asserted; because they took their right to interfere in reference to the rules of marriage, on the ground that it was a sacrament, which carried with it a degree of plausibility, and they required no witness to their marriage, or proof of the marriage beyond that of the parish priest who performed the ceremony. With respect to the petitions that had been sent to the House on this subject, he found that altogether there were 377 against both Bills; and of those, 225 had been received from the Established Church. With regard to those 225, however, he must say that he did not think they had been obtained in the most regular manner. In the first place, they had a petition from the General Assembly of Scotland; but not content with that, there was a petition from the commissioners, who were precisely the same body as the General Assembly. Then, again, there was a petition from the synod of Aberdeen; then from all the presbyteries of Aberdeen; then from the individual session clerks and the particular clergy of Aberdeen. Such was the mode in which these petitions had been multiplied. With respect to a great body of the Dissenters in Scotland, there had not been one petition against the Marriage Bill. There were some forty-eight or forty-nine petitions from the Free Kirk; but they were not against the Marriage Bill. The principal of their petitions were against one of the clauses of the Registration Bill, asserting that the author of the Bill did wrong in saying that no one should ever be a registrar except the session clerk. If he were to give up that principle, which he could not do in justice to the session clerks, he believed there was not one of the dissenting body, whether of the clergy or the laity, but would support the measures under discussion. There were about 1,000 parishes in Scotland: only 130 of them had petitioned against the Bill. Of the Free Kirk congregations, 739 in number, only eleven had petitioned against the Bill. Of the United Presbyterian synod, 493 congregations in all, only twelve had petitioned against the Bill; and those were on the partial grounds to which he had referred. From the remaining dissenting congregations, 333 in number, and including 110 Episcopal churches, not one petition against the measure had been received. He could understand, indeed, the force of the petitions against Sunday travelling, 712 in number, signed by 138,567 persons; but the petitions against these Bills were not signed by 7,000 individuals, whilst those against the Marriage Bill had not much above 1,500 names appended to them. Now, was he, or was he not entitled to say, what he did say advisedly, that he could not consider those petitions as representing the opinions of the people of Scotland? He knew that there were not petitions in favour of this Bill from many quarters. There might have been more, had they been looked for; but he did not expect that measures of this nature, involving such reforms in the law as this was calculated to produce, would be the subjects of canvassed petitions. He asked the House, then, to pass this measure upon three grounds: first, to give certainty to the constitution of the marriage contract; secondly, to ensure publicity to that contract, thus preventing the monstrous evil of clandestine marriages; and, thirdly, he recommended this measure because of the provision it made for a public notice of the intention to marry, and of the impediment which it presented in the way of hasty and fraudulent marriages.

Mr. M'NEILL* said, that he intended to give his vote in favour of the Amendment of his hon. Friend the Member for Peebleshire, and he hoped the House would extend to him its indulgence, while he stated the reasons that led him to resist the farther progress of the present measure. The hon. Member for Roxburghshire, while bearing valuable testimony to the existence of a strong feeling in Scotland against this Bill, was pleased to ascribe that feeling to an extreme repugnance to all interference with their laws or usages, which, he says, is a characteristic of the Scottish nation. He (Mr. M'Neill) must, however, for himself, take the liberty of denying that he was under such influence. He was not one of those, if there were any such, who opposed an obstinate resistance to all interference with the laws and usages of Scotland. He believed that the laws of every country required occasional amendments. Society is progressive; and with the changes which take place in the state of society—arising from various causes, political and social—the laws of the country must, to a certain extent, keep pace and undergo occasional amendment. When he had the honour to occupy an official position, which made it more peculiarly his duty to attend to the wants and requirements of Scotland in this respect, he had not abstained from introducing such measures for the amendment of the law as he believed to be necessary for the removal or correction of ascertained or acknowledged evils or defects; and since that duty had devolved on his right hon. and learned Friend the Lord Advocate, he was sure he would do him the justice to admit that he (Mr. M'Neill) had, as a Member of this House, readily given his humble aid towards perfecting and carrying through measures proposed by his right hon. Friend. But while such were the views he entertained, and upon which he had acted, and was still prepared to act, he must at the same time be permitted to say that great caution ought to be observed in interfering with a law which was satisfactory to the people, especially a law touching so nearly the feelings and the social interests and relations of all grades of society as the law relating to the constitution of marriage. He knew few qualities of a law more valuable—more highly to be prized—than that of giving satisfaction to an enlightened and intelligent people, for whose benefit it was intended, and among whom it had been long in operation. That was a quality too valuable to be bartered, or even put in hazard, for any mere theoretical improvement. The excitement of dissatisfaction—the doing of violence to the feelings of the people in regard to such a matter as the constitution of marriage—was too high a price to be paid for the removal of theoretical defects. Where there was an intelligent and contented people, with a well-known and long-established law which they did not desire to alter, he demanded to have some cogent reason assigned for altering or abrogating that law before he would agree to do so. Some strong case must be made out of existing evil, or of great practical inconvenience. At the same time, it must not be supposed that he was altogether averse to legislation in regard to the law of marriage. On the contrary, he was of opinion that there were matters connected with the operation of the law of marriage to which legislation might be applied with advantage to the inhabitants of both ends of the island, and without doing violence to the feelings of either, or depriving either of the enjoyment of their own laws. Some of these had been alluded to by his right hon. Friend the Member for Dover; and he (Mr. M'Neill) would now merely mention without dwelling upon them. In the first place, he would mention the matter of border marriages. He believed that the extent to which the natives of England resorted to Scotland for the mere purpose of evading the marriage law of England, had been exaggerated; but he had no doubt that the practice prevailed to a very considerable extent among the natives of England living near the borders, and especially those in the humbler classes of life. On this point he was disposed to differ from a noble and learned Lord (Lord Brougham), who, in the course of his evidence before the Committee, had expressed an opinion that only the rich availed themselves, or could avail themselves, of that mode of evading the law of England. He (Mr. M'Neill) believed that there were comparatively few instances of these border marriages among parties in the higher ranks of life, and that such cases would be still more rare and more easily prevented, if it was really desirable and desired to prevent them, now that the transit of thought by the electric telegraph was fleeter even than the flight of love when the steam was up. But if it was true, as he believed it to be, that among the humbler classes living near the border, the practice of resorting to Scotland for a few hours for the mere purpose of evading the provisions of the marriage law of England prevailed to a great extent, and if that practice was productive of evil among those classes, by encouraging immorality or great improvidence, and by disturbing the peace of families living under the protection and security, as they supposed, of the law of England, he should not object to a legislative remedy being applied; and he thought it would not be difficult to apply such a remedy without exciting much dissatisfaction or opposition. Indeed, in many of the petitions which had been presented against this Bill, the petitioners expressed views similar to those which he had now indicated. Then, again, in regard to the dissolution of marriage, there were points which, though not giving rise to frequent questions, still were in an unsatisfactory state, and were fit matter for adjustment by legislation. By the law of Scotland, the courts of law had power to dissolve marriage for certain causes. The courts of England had no such power; and, consequently, parties had in each case to resort to the Legislature for that redress to which confessedly they were entitled on proof of the wrong. He would not now say which was the better system, although he had a very clear opinion on that point. Neither did he advocate any general alteration of the law as it existed in either end of the island; but the point he wished to direct attention to was this — that the courts of law in England, not having in themselves the power to dissolve marriages, did not recognise the validity or effect of a judgment of the Scotch court dissolving a marriage which had been contracted in England between English parties who had afterwards gone to Scotland; and the case had occurred of a person being convicted in England of bigamy, for having contracted a second marriage there after his first marriage had been dissolved by sentence of the Scotch court. He should like to see that matter adjusted by legislation. Again, it was well known that the law of Scotland recognised the rule of legitimation by subsequent marriage; and the noble and learned Lord who had introduced the present Bill, had stated in his evidence that he highly approved of not touching that part of the law of Scotland. But he (Mr. M'Neill) thought that some concession was due from the law of England to the rights of legitimacy; and that parties who were legitimate in one part of the kingdom should have in all parts of the kingdom the rights of succession to heritable estate, and all other rights that belong to legitimacy. On none of these points connected with the law of marriage was he averse to legislation. On the contrary, he thought that they afforded a field for useful legislation which might have been occupied by his learned Friend with advantage to the inhabitants of both ends of the island, without doing violence to the feelings of any one, and without imposing additional burdens of any kind. But the measure now before the House was of a very different character. It went to an entire alteration of the law as to the constitution of marriage, and as to the evidence by which that relation of parties could be proved. And why was this change proposed in the law affecting the most important relation of life—the most important interests, not only of the parties who had contracted that relation, but of the children who were the fruits of their union? It was introduced as part of a system of more perfect registration of births and marriages, more fully developed in another Bill introduced at the same time and still depending. The whole of this most important change in the law, affecting the constitution of marriage and the evidence of marriage, appeared to have had its origin—to have been suggested and proposed as a mode of facilitating and rendering more perfect the operations of the statist. He requested hon. Gentlemen to observe particularly the connexion between these twin Bills. [The hon. and learned Member read the first clause of the Marriage Bill.] From that clause it would be seen that henceforward there were to be only two recognised modes of constituting marriage; one of which was to be by proceeding under the provisions of the Registration Bill of this Session. That Bill was thus as it were recognised and adopted into the Marriage Bill; consequently, no person who voted for the Marriage Bill could, with consistency, refuse to pass the Registration Bill. All those who were opposed to the Registration Bill of the present Session—who thought it too expensive, too complex, or too stringent—who thought that either it should not be passed at all in its present form, or that, at all events, it should not be passed during the present Session, must join with him in resisting the further progress of the Marriage Bill, because the first clause of the Marriage Bill was tantamount to a pledge to pass the Registration Bill in the present Session. He would now proceed to consider the reasons which had been assigned for pressing on this measure. He did not mean to impugn the general proposition laid down by his right hon. and learned Friend the Lord Advocate as to what constitutes marriage according to the law of Scotland. Consent of parties, deliberately interchanged by words of present acceptance of each other as husband and wife, intending so to live, does undoubtedly constitute marriage by the law of Scotland. That principle is not peculiar to Scotland: it has been recognised as the foundation of the law of marriage throughout the whole Christian world. They had been told to-day that the law of Scotland in regard to the constitution of marriage was a disgrace to any civilised country; and the hon Member for Roxburghshire had said that it was fit only for a semi-barbarous people, at the same time that he told us that the people of Scotland had a very strong feeling in its favour. Did the hon. Gentleman mean to stamp as semi-barbarous all those who adopted or retained the same state of law? The Chief Judge of the Consistorial Court of England (Dr. Lushington), justly lauded for his learning, and his acquaintance with the marriage law of England, had stated in evidence—

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* From a printed pamphlet.

> "I really hardly know any difference between the law of Scotland, as to the constitution of marriage, and the law of England, anterior to Lord Hardwicke's Marriage Act. I apprehend them to be as nearly as possible the same thing."

Were the people of England a semi-barbarous people up to that time? Were the distinguished statesmen who so strenuously resisted that innovation on the law of England, only half civilised? Were their views and opinions disgraceful to a civilised country? When he called to recollection the opposition to Lord Hardwicke's Bill, and still more when he remembered who the constitutional statesmen were, who in the next generation described that Act of Lord Hardwicke's—that departure from the former law of England—as a "disgrace to the country and to the Statute-book,"—he did not attach much importance to the mere use, on the present occasion, of expressions so easily put in requisition by those who might be disposed to do so on either or both sides of such a question. It might, however, be worthy of notice, that the alteration made by Lord Hardwicke on the law of England, and which was intended to remove a certain amount of evil then acknowledged to exist in England, had given rise to other evils not less serious, and which had called for further legislation—which further legislation had produced a state of matters altogether unworkable, till again set agoing by a recent Act, which it was hoped would be more successful. No great encouragement to change, was therefore held out by the example and experience of England, since its departure, in the time of Lord Hardwicke, from what we are told was then as nearly as possible the law common to both countries in regard to the constitution of marriage. Nor does the evil exist to any considerable extent in Scotland which did exist in England, and was made the ground for altering the law there. The law of Scotland being now as heretofore, that consent given in the way he had described makes marriage—that it is, in the language of Archbishop Cranmer, "beyond all doubt *ipsum matrimonium*," the present Bill says, that henceforth it shall not make marriage, whatever may have followed upon it, unless the consent is given in presence of a clergyman, or by signing the register. It does not say, that all marriages must be celebrated in presence of a clergyman; but, professing to recognise the principle, that consent, though not given in presence of a clergyman, may constitute marriage, it says, that the consent shall be of none avail, whatever may have followed upon it, unless it was given in the particular form of signing the register, and can be there pointed out. No matter how deliberately the consent may have been interchanged, and how completely susceptible of proof. No matter although the parties may have lived all their lives as man and wife—may have so published themselves to the world every day, by acts a thousand times more public than any entry in a register can possibly be — by a course of life more clearly indicating deliberate and continued purpose than a single entry in a register can do. All that shall not avail them or their families; they are to be denied the rights and privileges of marriage and legitimacy, unless they can point to their names in the journal kept by the registrar. To borrow the language of a high authority relied upon in support of the Bill—

> "It may be according to the law of Scotland that it is a complete marriage, and so it may be by the law of God; but if the woman is put to prove that marriage after the birth of children, of that she is or may be without any proof."

That which, by the law of Scotland and by the law of God, is a marriage, the people of Scotland wish to be allowed to prove by all the evidence of which it is susceptible. They do not wish that parties should be allowed to escape from such solemn obligations, undertaken towards each other—to their offspring and to society. They are unwilling that any man should be enabled, with the confidence of perfect impunity, to impose on an unsuspecting community, by wearing a mask of pretended matrimony, behind which is concealed the reality of vice. He did not wonder that the people of Scotland had no liking to this measure. There may occasionally be cases in which the proof of marriage is attended with difficulty; and so there may be in regard to any matter of fact whatever. So there may be in regard to the fact of marriage under the proposed Bill, even where the marriage has been celebrated in the most solemn manner in presence of a clergyman. Occasional difficulty of proof is not a satisfactory or adequate reason for so great a change in the law. Certainty is desirable in all transactions, and is especially desirable in regard to marriage; and the means of preserving evidence of such contracts is also desirable; but although these objects are desirable, they should not be prized so highly, or pursued so exclusively, as to endanger other advantages not less valuable. At present there was no uncertainty in this sense, that parties could not get effectually married if they chose, and he was not averse to affording additional and improved facilities for preserving evidence by registration. The extent of the evil said to arise from the present uncertainty and difficulty of proof, had been much exaggerated. It had been made the subject of evidence before the Committee by examining two noble and learned Lords, the one an ex-Chancellor of England, the other an ex-Chancellor of Ireland, both of whom have for several years had great judicial experience in the court of last resort. One of these noble and learned Lords, in particular, had given very important evidence on the subject. He was also the author of the present Bill, having introduced it in the other House of Parliament, and therefore it was of consequence that the House should see what had been said by him when examined as a witness in support of his own Bill. He (Mr. M'Neill) entertained towards that noble and learned Lord no feeling but that of respect for his high position, and, if possible, still greater respect for the talents and industry by which that position had been attained; but he could not agree to adopt the conclusions of that noble Lord in regard to the Bill, without examining the grounds upon which those conclusions rested. From the speech of his right hon. and learned Friend the Lord Advocate, it might be supposed that the amount of litigation arising out of the state of the marriage law of Scotland was enormous; that the House of Lords itself was groaning under the load of difficult and doubtful cases that were brought before it by appeal, and which would all be prevented by the present Bill. The evidence of the noble Lord who had introduced the Bill, was certainly calculated to convey the impression, that during his judicial experience in the House of Lords, he had been exposed to great difficulty and embarrassment in wading through cases of that description, constantly brought before the House by appeal from the Scotch court; and that, as might have been expected, where the cases were so numerous, and so difficult and doubtful in evidence, the disagreeable duty of differing from the court below, and reversing its judgments, had been very frequently imposed upon the House of Lords. But from a return of all the cases of declarator of marriage or legitimacy that had occurred during the last seventeen or eighteen years, which had been moved for by the Earl of Aberdeen, and was alluded to by the noble and learned Lord in his evidence, and since then communicated to this House, it appeared, that during the whole period embraced in that return, there had been in the House of Lords only six cases and only one reversal. And of these six cases, three, including the reversal, had nothing to do with the subject-matter of the present Bill. They were not cases in which there was any doubt or question as to the validity of any marriages. They were cases as to whether the marriage in the circumstances had the effect of legitimating the children previously born, which was a subject not touched by the present Bill; and the noble and learned Lord himself had said, that he most highly approved of the Bill expressly leaving the law of legitimation by subsequent marriage untouched. It farther appeared, that of the remaining three cases, two had been decided before the noble and learned Lord had sat in the Upper House, and only one since that time. But the noble and learned Lord explained very satisfactorily that he referred also to cases which did not appear in that return; and he explained why it was that they did not so appear. He explained that it is not merely in matrimonial suits that the question of marriage or legitimacy arises—that it arises also in suits as to property—the right to the property depending on the legitimacy of one of the parties—so that the question of marriage came to be tried and decided incidentally in the question of property. And the noble Lord gave an instance of a case of that description from Glasgow which had occurred last Session, and in which the judgment of the court below, on the point of legitimacy, had been reversed in the House of Lords. That explanation was quite intelligible, and so far might be considered satisfactory. But as the noble Lord's recollection did not enable him to give a reference to the other cases of that class which had occurred, and as he (Mr. M'Neill) thought it better not to rely on generalities when precise information was within reach, he had moved for a list of all cases that had been decided in the House of Lords on appeal from Scotland in reference to rights of property, in which the legitimacy of any party had been raised as a point for decision since the 1st January, 1839, embracing more than the period during which the House of Lords has had the benefit of the noble and learned Lord's judicial assistance in deciding such cases. He now held in his hands a copy of that return. The first two cases embraced in it were questions as to legitimation by subsequent marriage, and therefore not within the scope of this Bill, or of the evidence of the noble and learned Lord. The third case in the return was a proper case of marriage and legitimacy. It was one of the three cases of that description which had appeared in Lord Aberdeen's return, and it was the only one of them which had been decided during the time of the noble and learned Lord. In that case the judgment of the court below was affirmed. This exhausted the proper cases of marriage and legitimacy. One case in ten years. But then we come to that other class of cases to which the noble and learned Lord referred—not proper cases of marriage, but cases of property, in which the legitimacy of one of the parties was incidentally raised as a point for decision; and to that class of cases we must look for the labours and difficulties which had so oppressed and perplexed the noble Lord, and for the numerous judgments of reversal which it had been his duty to pronounce; for of course they were not to be found in the one case of marriage which had been affirmed. Now, as to that other class of cases—namely, questions of property—there was of course the case from Glasgow, to which the noble Lord had particularly referred as an instance of reversal; and there were how many more—not of reversals, but of cases altogether? Absolutely none—not one. The case from Glasgow was actually the only case of the class that had occurred during the whole period of the judicial experience of the noble and learned Lord; and as the reversals could scarcely be more numerous than the cases, it was not wonderful that the noble Lord was unable to refer specifically to any other instance of reversal. But what must be the astonishment of the House when he informed them that this Glasgow case was not reversed. It was affirmed. It was affirmed with costs; and it was affirmed with costs after a speech from the noble and learned Lord himself urging its affirmance. He hoped he might now take leave of that part of the case in support of the Bill, which depended upon the judicial experience of its noble and learned author. Objects that loomed large in the deceptive mist of generality having now been examined in the clear atmosphere of ascertained fact, their utter insignificance was put beyond question. If by any chance what he had now said should ever reach the noble and learned Lord, he hoped it might have the effect of relieving him from a load of painful anxiety under which he seemed to be labouring, from an erroneous impression, that for eight or ten years he had been wading through cases which were not before him, and reversing judgments which he was actually affirming. But there was another affliction under which that noble and learned Lord was labouring, and from which he (Mr. M'Neill) was desirous also to relieve him. In the course of his evidence, the noble Lord had told the Committee that it was with much sorrow that he, being the son of a clergyman of the Established Church of Scotland, found that this Bill was opposed by the clergy of that Church; and that although he was not disposed to say anything at all disrespectful of a body towards whom he felt nothing but respect and affection, he feared that on this occasion they were influenced by an unwillingness that a marriage by a clergyman not of the Established Church should hereafter be put upon the same footing with a marriage by a clergyman of the Established Church. In short, that they were actuated by a jealousy which was unworthy of them, and which the noble Lord could not observe without deep regret. If he (Mr. M'Neill) could have believed that the respected clergy of the Church of Scotland had been actuated by such unworthy motives, he would have participated in the sorrow of the noble Lord; but if, on the other hand, it should appear that there was no ground whatever for the imputation of the noble Lord, he might then appeal to the opposition of the Church as no unimportant fact in the consideration of this Bill. Now, what ground was there for the imputation which the noble Lord had cast upon the respectable clergy of the Church of Scotland, of being actuated by an unworthy jealousy of their Dissenting brethren acquiring, through this Bill, the power of celebrating marriage? The noble Lord was asked to explain in what respect this Bill alters the relative position of the Established clergymen and of Dissenting clergymen with regard to marriages. His answer was—"At present a marriage by a Dissenting clergyman, I rather think, is not strictly regular." The learned Lord Advocate, who could not fail to see the difficulty into which his witness was likely to get, interposed interrogatively with the remark—"He cannot marry without banns—he is subject to punishment if he marries without banns." But the noble Lord, not availing himself of the hint, and having no want of confidence in his own opinion on the point, answered without hesitation—"There are statutes forbidding marriages unless by clergymen of the Established Church." This is altogether a mistake. There were such statutes—some of them in the reign of Charles II., but those statutes have been repealed—and Dissenting clergymen are as competent to celebrate marriages validly and regularly as clergymen of the Establishment. It is true, as noticed by the learned Lord Advocate, that they are liable to punishment if they do so without proclamation of banns; but so are the clergymen of the Establishment. Neither is permitted to celebrate marriage without proclamation of banns—either may celebrate marriage if the banns have been proclaimed. There is no difference in that respect, in so far as regards the functions of the clergymen, and accordingly marriages are every day validly and regularly celebrated by Dissenting clergymen. He was sure it would be a great relief and satisfaction to the noble Lord to find, that there was no ground for his suspicion of unworthy jealousy. It was impossible that any such jealousy should exist; for the cause out of which it was supposed to have sprung existed only in the mind of the noble Lord, whose suspicious conception had obviously enough been generated in his imperfect acquaintance with the subject. The House had been reminded by the supporters of this Bill, that both it and the Registration Bill had twice passed the other House of Parliament—once in 1848, after having been subjected to the consideration of a Select Committee; and again in 1849; and this appeared to be pressed upon the House as a sufficient reason why it should now approve of the Bill. In regard to the manner in which the Bill had been introduced into and carried through the other House of Parliament in the present Session, he had lately observed very strong complaints and accusations publicly made by at least one noble Lord; but whether these complaints be well or ill-founded, undoubtedly the fact was, that the Bill had passed the House of Lords. It had been introduced there by a noble and learned Lord, holding a high position in the Government—accustomed to advise the House of Lords in matters of law, and well entitled to do so. The House of Lords had been in use to rely, and might be justified in relying, much on the advice of that noble and learned Lord in such matters. It had even been known following his advice to reject the almost unanimous opinion of the Twelve Judges of England, whom it had consulted. He was doing no injustice to that noble Lord, when he assumed that the views which he urged in his place in Parliament, in support of the Bill he had there introduced, were not materially different from those which he had given to the Committee, when examined as a witness in support of the same Bill. He would be doing injustice to the noble Lord if he made any other assumption. He could not possibly suppose anything else. Then if that was so, if the noble and learned Lord gave the House of Lords to understand that its judicial sittings were consumed in hearing, deciding, and reversing Scotch cases of marriage—if he gave the House of Lords to understand that no Dissenting clergyman could validly or regularly celebrate marriage, even between members of his own congregation—that all these evils and restrictions would be cured by the measure which he recommended, and that the opposition of the Church of Scotland was traceable to an unworthy jealousy—is it wonderful that the House of Lords should have passed these Bills? Farther, he contended that the circumstance of these Bills having passed the House of Lords could not fairly be pressed on this House now as a reason for adopting them. The Bills as they emanated from the House of Lords had not been pressed upon this House as measures which it would be asked to pass. On the contrary, the course taken was to refer these Bills to a Select Committee. In that Committee, the Registration Bill had undergone alteration; and in regard to the Marriage Bill the Committee were of opinion that it should not be passed without inquiry into the subject. Inquiry had been granted, with the usual powers, and witnesses had been examined in support of the Bill. When the examination of these witnesses was concluded, some members of the Committee, with whom he concurred, proposed to examine witnesses as to the operation of the existing law in Scotland—its effect on the moral and social condition of the people—their feeling in regard to it, and the probable consequences of the proposed change. With that view they intended to examine persons who, by residence and position, were well qualified to give the information desired. Clergymen in populous towns, who were in constant and confidential communication with all classes—who had the best opportunities of observing their virtues and their vices, and of knowing their habits and the state of their feelings—magistrates of cities, whose attention had been specially called to the condition and habits of the population under their magistracy—persons of various religious denominations; and, in short, to draw information from the best and most authentic sources. They gave in the list, which had been already read to the House, of the names of some of the persons whom they had in view to examine. But they were met by a Motion, in the form of a resolution of the Committee, to confine the evidence to legal authorities on the present law of marriage—in short, to examine none but lawyers. That resolution was carried by a small majority; and those who desired a full and fair inquiry, declined to go into a partial and limited inquiry, which would have excluded from consideration the most important part of the case. Why, he would ask, should the inquiry be limited to the opinions of lawyers? There was no doubt as to what the law of Scotland was. No question had been raised upon that subject. The important matter for inquiry was the working and effect of the law. Surely lawyers were not the only persons qualified to give information as to that matter. The learned persons who had been examined in support of the Bill, had not limited their evidence to a statement or explanation of the law. They had favoured the Committee with very interesting and important speculations as to what, in their opinion, must be the effect of the law of Scotland on the morals and social condition of a people, as compared with the law proposed to be introduced by the present Bill. The speculative opinions of these learned persons on such a subject were no doubt entitled to great respect; but why should persons holding a different opinion, founded not on speculative views only, but on actual observation, be precluded from stating that opinion, and the facts on which it was rested? Noble and learned Lords were no doubt very confident that all those who differed from them were in error, or under delusion; but why should not some of those persons be permitted to vindicate their own opinions, even although by doing so they should refute those of noble and learned Lords? Why should the inquiry be limited to speculative opinions? Why exclude evidence as to the actual condition of things under the existing law? Why set up speculation on the one side, and refuse to hear on the other side direct evidence as to the actual state of the facts? Scotland is not an extensive country; the population is not great; and if the law which has so long prevailed there, to which the people are said to be so much wedded, under which their habits and dispositions have been formed in a matter so materially affecting their moral and social condition as that of marriage, be really a disgrace to any civilised country, and fit only for a semi-barbarous people; if its operation be really as baneful and as general as is alleged, one would suppose that Scotland must, by this time, be, throughout its whole length and breadth, more corrupt, more immoral and vicious, than any other country in the civilised world. But while this seems to be the necessary deduction from what we have urged in support of the Bill, no one has hazarded the assertion in direct terms. A state of moral disorganisation is vaguely assumed, not only without proof, but in face of a demand for inquiry, which has been refused. In the name of Scotland and of justice, he protested against the assumption while the inquiry was withheld. He denied that the existing law had promoted, or that it had a tendency to promote, immorality. He maintained that its tendency was to check immorality. What had Lord Campbell said in his evidence? He had said, "The people of Scotland, I am proud to say, are a very virtuous people." If that is a correct description of the character of the people, then it follows that the existing law is at all events compatible with a high state of virtue. Whether it has contributed to produce that high state of virtue may be matter of opinion and speculation; but the fact that virtue is the concomitant of the existing law in Scotland, is anything but a reason for altering that law. Who shall answer for the consequences of the alteration? What is the state of matters in England in one important particular connected with this subject, as spoken to by Lord Brougham? His Lordship was asked, with reference to England, whether cases of breach of promise of marriage, accompanied with seduction, were of frequent occurrence, and he answered, "Very often; indeed, it is a very common case to have actions for seduction, where the man has seduced the woman by promising marriage;" and Dr. Lushington gave evidence to the same effect. Cases of that description are rare in Scotland. Thus, then, it appears from the evidence of the witnesses in support of the Bill, that a high state of virtue is the concomitant of the existing law in the one country—that frequent seduction, under promise of marriage, is the concomitant of the existing law in the other country. Why should you endeavour to assimilate the former to the latter? To remedy or prevent an evil which you gratuitously assume, but have not proved to exist in connexion with the present law of Scotland, you strangely enough propose to substitute a state of law under which, in England, experience has proved that the evil does exist in an aggravated degree. His right hon. and learned Friend the Lord Advocate had alluded to cases of seduction that had come to his own knowledge in consultation, and had at the same time apologised for so far making himself a witness in this discussion. Any information communicated by his right hon. and learned Friend was at all times worthy of attention; but he (Mr. M'Neill) must take the liberty of asking, why the true extent of the evil should not be ascertained, if it were really worth knowing? Why was the inquiry not gone into fully before the Committee? Why was it stifled by the supporters of the Bill? His right hon. and learned Friend had with considerable dramatic effect given a narrative of two cases, on the impression from which he appeared to place much reliance as recommending the present measure. No one could dress up incidents, however unimportant, with more powerful effect than his right hon. and learned Friend; but what did these two cases amount to? One of them had occurred upwards of thirty years ago. A gentleman, who had lived in a way not to be commended, having formed a resolution which could not be too strongly deprecated, to put a period to his existence, had also resolved not to quit this world without doing towards his family what he felt to be an act of justice already too long delayed. Was that a ground of objection to the law of Scotland? Was it any reason for the proposed interference with that law? Would the law of England have prevented such an occurrence? Could the law of England prevent a man from marrying a woman with whom he had so lived; or could it prevent him from shooting himself next hour? [An Hon. MEMBER: The law of England would not allow him so to legitimate his children.] True, the law of England would not have held out that inducement to marry. Is it then any part of the objection now made to the law of Scotland, that it holds out that inducement to marry? The objection hitherto has been not in regard to inducement to marry, but as to the mode of constituting and proving the marriage. This Bill deals only with that matter. If any hon. Member objects to the law of legitimation by subsequent marriage, let him not be deceived by the notion that this Bill will alter that law. It will not do so. It is not intended to do so. It does not deal with the matter of legitimation by subsequent marriage. It leaves that part of the law of Scotland untouched; and the noble and learned Lord who introduced the Bill, has said that he highly approves of not touching that part of the law. Thus, neither the law of England, nor the proposed alteration of the law of Scotland, could prevent a man from contracting a marriage, or from putting an end to his existence, if so disposed. The tragic occurrence of upwards of thirty years ago, which had been pressed into the argument, had therefore truly no bearing on the merits or demerits of the present measure. The other case was of a date equally remote. About forty years ago, a gentleman of high position in society, so far forgot for the time what was worthy of and due to that position, in point of honour and truth, and observance of the law, as to marry a lady in England, while he had a wife living in Scotland; and so he might have done, if he had a wife living in France or in Holland. In short, he committed bigamy. And this one case of bigamy, forty years ago, without even an allegation of any similar case since that time, is brought forward at the present day as a reason for now altering the law of Scotland in regard to the constitution of marriage. Is bigamy unknown in England? Is it more rare in England than in Scotland? Do the restrictions and regulations of the law of England, and its costly establishment of registers, prevent bigamy? Let those who have examined the returns of crime for some years past, answer in the affirmative if they can. He did not contend that if we were now framing a code for a newly-established nation or colony, the law in regard to marriage, as it exists in Scotland, was exactly and in all respects that which he would propose. Neither was he prepared to say, that he would in such a case give an unqualified approval of the plan proposed by the present Bill. He might perhaps not be much dissatisfied with either, though in all probability he would prefer something a little different from both. But such were not the circumstances under which the House was now asked to legislate. It was asked to interfere with the long-established law of a nation—a law with which the people were familiar and contented; which was in accordance with their feelings and habits; and from which it has not been shown that any great practical evil had resulted. If this had been a case in which the prevalence of immorality and vice, or any other crying evil, had been proved or admitted; and if, after due inquiry, properly conducted, the evil had been traced to an ascertained cause, then it might have been right to endeavour to eradicate the evil by removing the ascertained cause. But there was no such case before the House. On the contrary, the inquiry had been resisted and shrunk from when proposed. Why is this course of interference pressed and persisted in? You are not here dealing with a nation of barbarians whom you have lately subjugated—whom, in the exuberance of philanthropy, you are desirous to release from the baneful influence of a barbarous code, or a heathenish superstition, which threatens to retard the progress of civilisation, and resist the influence of religion and morality—though even in such cases you have shown perhaps more respect for the feelings and habits of the people. You are not here called upon by a regard for public safety to put under restraint the dangerous dispositions of the inhabitants of one portion of the empire—you are not here endeavouring, in opposition to the interested prejudices or bigotry of a few, to extend to the many the benefits of sound instruction. Cases such as these might justify your perseverance in unsolicited interference; but you are here dealing with a case in every respect a contrast to these. You are dealing with and going to interfere with the laws and habits of a civilised people, distinguished for their enterprise and industry—who, under these laws have within the last century made more rapid progress and improvement in agriculture—in commerce and manufactures—in moral and intellectual culture, and in their whole social condition, than perhaps any other people in Europe, and are now in some departments the rivals, if not even the superiors, of their more wealthy southern neighbours. A people, too, whose orderly conduct—whose respect for constituted authority, and obedience to established law, might be cited as an example among modern nations—a people whose avidity and thirst for knowledge, and laudable appreciation of the advantages of education, have long been acknowledged—whose general character for virtue has been extolled by the author of this Bill. Why should you rudely interfere with the laws and customs of such a people—laws which, if they have not caused, have at least not prevented them from attaining their present condition. The people of Scotland, while possessing the character and qualities he had described, were not wanting in sagacity, or in a shrewd perception of their own interests—nor would they hesitate to make known their desires when it was for their advantage to do so. Had they desired this change? If so, when, where, how, and by whom, had they expressed the desire? Had it been by their petitions to Parliament, or by their representatives in Parliament? He had heard of no petitions in favour of the Bill, except one, or perhaps two, and these had not been referred to as important. Then, as to the expression of the opinion of the people through their representatives in this House, no Scotch Member had as yet risen in his place, and stated that he was going to vote for this Bill, and that his vote would be in accordance with the declared wishes of his constituents. One hon. Member, with a manliness which he (Mr. O'Neill) admired, and acting on a principle which, in the general case, he must admit to be sound, had lately announced his intention to vote in favour of the measure; because, in his own judgment, he thought it right, while, at the same time, he candidly stated that his constituents had by petitions declared against it. All that he would say on that point was, that the opinions of the people of that part of Scotland could not, on this question, be held to be represented by the vote of the hon. Gentleman. He might say the same thing of the votes of most of the hon. Gentlemen opposite, who were now going to divide with the Government in favour of this Bill. The Government would be deceiving itself if it supposed that it could rely on these votes as any indication of the opinions or feelings on this question entertained by the people of those parts of Scotland of which these hon. Gentlemen were the representatives in Parliament. But while there was no expression of opinion from Scotland in favour of this Bill, there was a strong expression of opinion against it. He was more than surprised to hear his right hon. and learned Friend speak of the petitions against the Bill in the disparaging terms in which he had spoken of them. He had described them as utterly worthless and insignificant.

The LORD ADVOCATE explained. What he had said was, that as a proof to be relied on of a general feeling throughout Scotland, they were worthless and insignificant.

MR. M'NEILL would presently show the extent to which the petitions might be regarded as indicative of the opinions and feelings of the public in Scotland; but he might now assume that to the extent to which they did go—as exponents of the opinions of at least certain classes and districts—they were admitted to be neither worthless nor insignificant. His right hon. and learned Friend the Lord Advocate had treated those petitions as if they had proceeded altogether from clergymen of the established and other ecclesiastical bodies. But how did the fact stand? An opportunity had been afforded to the counties of Scotland to take the measure into consideration at their annual meetings on the 30th April. They had done so, and all the counties in Scotland, with a very few exceptions, had sent up petitions against the measure.

MR. FOX MAULE: These petitions were also against the Registration Bill—against the two Bills conjointly.

MR. M'NEILL: But against this Bill—and if they were directed against this Bill in connexion with the Registration Bill, they were necessarily, and most pointedly, against it in its present form; for he had already shown, and he repeated, that this Bill in effect adopted and embodied into it the Registration Bill. It could not stand by itself. It depended on the Registration Bill being passed, and all who were opposed to the Registration Bill must resist the present Bill. The counties of Scotland, then, with very few exceptions, had petitioned against this measure, and of those that had not actually petitioned this year, some had petitioned last year, and some had contented themselves this year with reiterating, in resolutions passed at public meetings, their continued dissatisfaction with the measure. The county which he had the honour to represent had not sent up a petition; but they had at a public meeting passed resolutions, temperately yet firmly expressed, in reference both to the Marriage Bill and the Registration Bill. They were not opposed to an improved system of registration, though they deprecated a complex and expensive system. They were opposed to interfering with the law of marriage needlessly, incautiously, or without due inquiry, though they were not opposed to putting a check on border marriages; and they had requested him to support these views, which he had now great pleasure in doing, being happily in perfect accordance with his own. No county, he believed, had passed resolutions in favour of this Bill. So much for the counties. Next as to the burghs. The burghs comprehended about one-third of the population of Scotland. There was an institution recognised by law called the Convention of Royal Burghs, and which consisted of delegates from all the burghs in Scotland, who assembled once a year, or oftener, in Edinburgh, and deliberated on matters affecting their interests. At the Convention of 1849, the matter of these Bills was taken into consideration. They were disapproved of, and a petition against them was voted unanimously. Thus you had all, or nearly all, the counties petitioning, and you had the assembled delegates from all the burghs petitioning, Then there were separate petitions from the popularly elected town-councils of most of the large towns in Scotland. The town-councils of Edinburgh, of Dundee, of Perth, of Greenock, of Leith, of Inverness, of Stirling, of Kilmarnock, of St. Andrews, of Haddington, and many others, had petitioned against the Bill. There was also another body of persons, popularly elected to a great extent, and who had a very material interest in the probable effects of this measure, especially with a knowledge of the fearful extent of bastardy in some parts of England—he meant the parochial boards of populous parishes. Petitions against this measure had been presented from the parochial boards of many of the most populous parishes in Scotland—the parochial board of the city parishes of Edinburgh—of the great suburban parish of St. Cuthbert's—of the city parishes of Glasgow—of the great suburban parish of the Barony—of the parishes of Dundee, of Paisley, of Greenock, of Leith, of Port-Glasgow, of Campbelltown, and several others. Then turn to another class of petitions—he meant those from the clergy, who may be said to be the guardians of the morals as well as of the religious character of the people. These petitions were admitted to be numerous; but it had been said that they all emanated from the same body of persons subdividing themselves into sections so as to multiply the petitions—that there was first the General Assembly of the Church—then the same body as the Commission of the General Assembly, and so forth. But the fact was, that the Commission of Assembly which had petitioned against the Bill in March or April last, was the Commission of the Assembly of 1848, and that afterwards, in the month of May, the newly-elected Assembly of 1849 had also petitioned against the Bill. There were likewise many petitions from Presbyteries; and it had been said that the Presbyteries were composed of the same individuals as the General Assembly. That also was incorrect. The General Assembly was a representative body elected by the presbyteries, universities, and burghs. And was it of no importance that when the representatives who had voted the petition in Assembly went back to their respective presbyteries, not only was their conduct approved of by their constituents, but additional petitions were sent up by these constituents themselves to the same effect? There were also petitions from the inhabitants of some parishes. It had been said that the signatures to the petitions were not numerous; but it must be remembered that most of the petitions had emanated from public bodies and public meetings, and were signed only by the official heads of these bodies, or the chairmen of the meetings. In these circumstances, he did not think that the observation as to the number of signatures was entitled to much consideration. How, then, did the case stand on the petitions? There were against the Bill petitions from almost every county in Scotland. From the assembled delegates of all the burghs in Scotland—from the popularly elected town-councils of almost all the great towns in Scotland—from the parochial boards of many of the most populous parishes in Scotland—from the representatives of the Church convened in General Assembly—and from many of the presbyteries and several parishes. In so far as appeared, the counties were against the Bill—the towns were against the Bill—the parochial boards were against the Bill—the Church was against the Bill—while, on the other side, not a voice had been raised in its favour. The only conclusion he could draw from these facts was, that the public voice had declared against the Bill. If the public feeling was, as it appeared at present to be, against the measure, he had heard no adequate reason assigned for taking a step which would do violence to public feeling in such a matter; and he could not understand why, in these circumstances, the Bill should be pressed on. His right hon. and learned Friend had complained, that although this was the third year in which the Bill had been brought before the House, there was still a reluctance to pass it; and he seemed to think that it was very unreasonable on the part of Scotland not to be now ready to take this measure. Thrice had it been tendered, and thrice had they declined it. His right hon. and learned Friend seemed almost to insinuate, that the oftener they looked at it, the less were they disposed to take it—so provokingly unreasonable were they. Is it not possible that some part of the unreasonableness may be on the other side? You take a fancy to prescribe for a man who, to all appearance, is in good health; and he, being unconscious of any ailment, and having no fancy to become your patient, declines to take the prescription. For three years you continue to press your specific upon him, and he as steadily rejects it, feeling perfectly well, and exhibiting no symptoms of illness. At last you become impatient at his unreasonableness and obstinacy in refusing to swallow your medicine, and you insist on thrusting the dose down his throat, in defiance of his most strenuous remonstrances, and notwithstanding a distinct offer to prove, by witnesses of the greatest experience and skill, that he is in as good health as you or any other man living. He really hoped that the bystanders would not allow such treatment to be practised. He had received from various parts of Scotland communications expressing much apprehension of evil from this measure, and he had considered it his duty not to give a silent vote on the occasion. Having now stated the grounds on which mainly he resisted the further progress of the Bill—and, he hoped, without having pressed these views at greater length or more strongly than the circumstances justified—he would conclude by again reminding the House that it was not called upon to contrive a new law for a new state of matters, or for a new country, but it was asked to alter the long-established law of an enlightened, orderly, and virtuous people, who had not invited such interference, but, on the contrary, had with remarkable unanimity raised their voices against it. The House was asked so to interfere, not only without inquiry, but while inquiry was refused. He trusted that it would not sanction such a course of proceeding, but would adopt the Amendment of his hon. Friend the Member for Peeblesshire.

MR. FOX MAULE said, that considering the importance of this question, he could not allow it to go to a vote without expressing shortly his inducement for voting for the measure before the House. If the best thing that could happen to Scotland was to be to encourage clandestine marriages, then the hon. and learned Gentleman opposite was right; but if the House saw the evil of those marriages, and determined to put an end to concealed marriages, then it would accept of the measure proposed by his right hon. and learned Friend the Lord Advocate to put an end to the evil that must inevitably arise from clandestine marriages. The hon. and learned Gentleman seemed not to attempt to convince the House, but to win the votes of hon. Members first by stating that the Committee of the House had shrunk from a full inquiry into this subject, and next by saying that any person who voted for the Marriage Bill must pledge himself to vote for the Registration Bill. The House must recollect that the Committee referred to by the hon. and learned Gentleman was not a Committee appointed to inquire into the general state of the law in Scotland, but only a Committee which was to inquire into the details of this Bill; and as the hon. and learned Gentleman had expressed such strong feelings on the present occasion, he (Mr. F. Maule) should have liked to have seen his opinions recorded upon the report of that Committee. But, let him ask, who was it who had introduced a law to put an end to clandestine marriages in England. It was no less an individual than Lord Hardwicke; and surely his authority ought to be of some weight in attempting to carry that same law a step further—namely, into Scotland. To his mind there could be no doubt that the moral condition of any people must be advanced by a law requiring that marriages should be made public, and clandestine marriages put an end to. The hon. and learned Gentleman had complained that his right hon. and learned Friend the Lord Advocate had treated slightingly the petitions which had been sent up against this Bill. He had, on the contrary, expressed his highest respect for the petitioners themselves, but he had protested against those petitions being taken as a test of the feeling of the entire people of Scotland. It had been said that the voice of the people of Scotland, throughout its length and breadth, was against this Bill; as to that, however it might be, he agreed with the right hon. and learned Lord Advocate that the petitions before the House were not to be taken as evidence of any such thing. The hon. and learned Gentleman had said that there were petitions against the Bill from almost every county in Scotland; but the hon. and learned Gentleman forgot to state that those petitions were from the Commissioners of Supply, persons appointed to take into consideration all matters relative to local taxation, and who never lost an opportunity of petitioning against any measure involving in any respect the principle of taxation. He did not believe that there had been half-a-dozen public meetings held in any part of the country with respect to this Bill. Whatever expression of opinion had been made against the Bill, had proceeded from town-councils of boroughs, and from those alone, and could only be considered as expressing their individual opinions. The city of Glasgow had, however, approved of the Bill; and he thought he might fairly place that expression of opinion against that expressed by less important towns in the country. He had no wish whatever to cram down the throats of the people of Scotland a measure which he believed to be antagonistic to their best feelings. He believed, however, that if the feelings of the people of Scotland could be ascertained with respect to this Bill, they would state at once that they preferred the security afforded by it to the present state of the law in that country. Believing, as he did, that this measure was calculated to promote the morality and security of society, he should give his most cordial support to the Motion for the third reading of the Bill.

MR. M'NEILL explained: When it was suggested in the Committee that his right hon. and learned Friend and himself might be examined as to the law, he had stated, that although it was no doubt competent for Members of the Committee to give evidence, he thought such a course—where there was no necessity for it—had better be avoided; and that as plenty of other witnesses to the law were accessible, he thought it would, on the whole, be better that those Gentlemen who were afterwards to deliberate and decide on the evidence, should not themselves be witnesses. He was not examined, neither was his right hon. and learned Friend the Lord Advocate.

Mr. HUME said, that he believed they had shrunk from the proof of their case, when they refused to receive the evidence of those respectable persons whom it had been proposed to call as witnesses against the Bill. With respect to the conduct of the Government as regarded this Bill, he thought they had learned this important lesson, that Scotch business ought to be better treated than it was. This was the first four hours during the whole Session that had been devoted to a consideration of the affairs of Scotland. With regard to the Bill itself, he believed that the opinion of the people of Scotland was most decidedly opposed to it. He had himself presented petitions from Leith, Perth, and numerous other places against the Bill. He was perfectly prepared to vote with the Government in favour of a measure for the abolition of Gretna-green marriages, and he believed the people of Scotland would generally be favourable to such a measure. He regretted to find the noble Lord at the head of the Government so determined to proceed with this Bill, against the unanimous feeling of the people. It had been said that the law of marriage in Scotland was worthy only of a semi-barbarous country. He denied that such was the case. As countries became civilised, institutions changed and accommodated themselves to the improvements which were constantly being made. There was nothing in the morality of Scotland to show that there was anything barbarous in its institutions. On the contrary, a comparison between the two countries would show a decided advantage in favour of Scotland. It had been said, as one reason for passing this Bill, that it had been sent down by the House of Lords three times. He hoped it would be sent down thirty times. The very fact of its having been sent down so often proved that it was utterly worthless, for there never was a Bill that was worth anything treated in such a manner. He trusted either that the House would reject the Bill, or that the Government would withdraw it, in order to prevent its rejection by the House.

Question put, "That the words 'Monday next' stand part of the Question."

The House divided:—Ayes 73; Noes 68: Majority 5.

List of the Ayes.

Alcock, T.
Armstrong, R. B.
Baines, M. T.
Baring, rt. hon. Sir. F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Boyle, hon. Col.
Bright, J.
Campbell, hon. W. F.
Carter, J. B.
Chaplin, W. J.
Cholmeley, Sir M.
Clay, Sir W.
Colebrooke, Sir T. E.
Coles, H. B.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Duff, G. S.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Freestun, Col.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heywood, J.
Heyworth, L.
Hodges, T. L.
Hodgson, W. N.
Howard, Lord E.
Howard, hon. C. W. G.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lushington, C.
Mahon, The O'Gorman
Melgund, Visct.
Milner, W. M. E.
Morris, D.
Mostyn, hon. E. M. L.
O'Brien, J.
O'Connell, M. J.
Ogle, S. C. H.
Parker, J.
Perfect, R.
Power, Dr.
Price, Sir R.
Pusey, P.
Rich, H.
Robinson, G. R.
Russell, Lord J.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Somerville, rt. hn. Sir W.
Stuart, Lord J.
Towneley, J.
Traill, G.
Tufnell, H.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.

Hill, Lord M.
Maule, rt. hon. F.

List of the Noes.

Anderson, A.
Arbuthnott, hon. H.
Arkwright, G.
Bagot, hon. W.
Baillie, H. J.
Bankes, G.
Beresford, W.
Bouverie, hon. E. P.
Bremridge, R.
Brooke, Sir A.
Charteris, hon. F.
Chichester, Lord J. L.
Clerk, rt. hon. Sir G.
Conolly, T.
Cubitt, W.
Dalrymple, Capt.
Disraeli, B.
Dodd, G.
Drumlanrig, Visct.
Duff, J.
Duncan, Visct.
Duncan, G.
Egerton, Sir P.
Egerton, W. T.
Ewart, W.
Farnham, E. B.
Fergus, J.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gooch, E. S.
Gordon, Adm.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Hastie, A.
Herbert, H. A.
Hood, Sir A.
Hornby, J.
Hughes, W. B.
Hume, J.
Jones, Capt.
Lennox, Lord H. G.
Lincoln, Earl of
Lockhart, A. E.
Lockhart, W.
M'Neill, D.
M'Taggart, Sir J.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Morrison, Sir W.
Mullings, J. R.
Naas, Lord
Oswald, A.
Pilkington, J.
Powlett, Lord W.
Scott, hon. F.

Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stuart, H.
Thompson, Col.
Vivian, J. E.
Vyse, R. H. R. H.
Wortley, rt. hon. J. S.

TELLERS.

Mackenzie, W. F.
Dundas, G.

Question again proposed, "That the Bill be read the Third Time upon Monday next."

MR. GLADSTONE expressed his hope that, after the division which had just taken place, the right hon. and learned Lord would not press the Bill further this Session. Though not a Scotch Member himself, yet, from his connexion with Scotland, he knew well the state of feeling in that country with regard to this Bill; and he wished to point out to the right hon. and learned Lord that his case, viewed as a Parliamentary one, had virtually been abandoned by him. He put it to the right hon. and learned Lord whether, when he or the Committee went so far as to admit the necessity of taking evidence on this Bill, and then refused to take evidence beyond a certain point, they were justified in so doing, if they intended to press the Bill this Session? On that ground the case for the Bill was not a good one. Every one who had heard the speech of the hon. and learned Gentleman the Member for Argyllshire, must have felt that he had urged with resistless force the claims of the people of Scotland, and the necessity for fuller inquiry into a matter so closely connected with their feelings, before they proceeded to legislate upon it. He hoped, therefore, that after what they had seen of the sense of the House in connexion with the sense of the people of Scotland, no further attempt would be made to proceed with the measure, and that the time of the House would not be further wasted with discussions regarding it.

LORD J. RUSSELL could not admit that the time of the House had been wasted by a Motion which had afforded an opportunity for the important speech of the hon. and learned Member for Argyllshire, in which he had stated his reasons against the Bill. After hearing the debate they had just had, all he would now do was to ask the House to allow him a certain time to decide on the course the Government should adopt. He did not wish for any long time, and would fix the Bill for Thursday, when the Government would be prepared to announce whether they would proceed with it or not.

Debate adjourned till Thursday.

RAILWAYS AND DISTRESSED UNIONS (IRELAND).

On the Motion of the **CHANCELLOR OF THE EXCHEQUER**, the House resolved itself into Committee on an advance for Railways and Distressed Unions in Ireland.

The CHANCELLOR of the EXCHEQUER said, that the object of the Motion which he was about to put into the hands of the Chairman was to enable the Government to make advances for the construction of a railway between the towns of Athlone and Galway. The Government had received applications from several parts of Ireland for advances of public money for the purpose of constructing or finishing lines of railway in Ireland. They had been asked to make advances in some instances because the lines were nearly finished, and in other cases because they had not been commenced; and in each case the parties no doubt thought they had adduced most excellent reasons. He admitted that it would be most advantageous for Ireland if some of these railways were completed; but, for the reasons which he had formerly explained, he did not think it was the duty of the Government to make advances, generally, for the construction or completion of lines of railway. In stating this, however, he felt bound to say, after the fullest consideration, that he thought a special case had been made out for an advance for the construction of a trunk line to the west of Ireland, on the same ground as that on which they formerly advanced a sum for the completion of a line to the south and south-west of Ireland. They had also taken into consideration the extreme distress which existed in the west of Ireland, and, with a view to the employment of the inhabitants of those parts, they felt that nothing could be better than to promote the opening of a direct line of railway between Dublin and Galway. The parts of the country which would be affected were known in that House as some of the most destitute unions, where the sufferings of the people were extremely great. A company had been formed in Ireland, and had obtained Acts to construct a line of railway from Dublin to Galway. A portion of this line was actually open, namely, from Dublin to Mullingar, a distance of nearly fifty miles; and not only was this existing line between Dublin and Mullingar reported of in the most favourable manner, but the company deserved every credit for the mode in which they had proceeded. There was a second portion of the line, namely, from Mullingar to Athlone, a distance of twenty-eight miles, on which the works to a small extent had been carried on; and the company had undertaken to complete it within a limited period. This was as much as could be expected under the circumstances. Early in the Session the Government had had under their consideration projects for facilitating the communication with the west of Ireland. Several gentlemen connected with the west of Ireland, and more especially with Galway, had held repeated communications with them on the subject, and arrangements had at last been come to, which had met with the concurrence of all parties interested, and which, if the House would sanction, would insure the completion, before the expiration of two years, of a railway between Dublin and Galway. As he had already stated, the company had constructed the railway from Dublin to Mullingar by their own funds; and there was a fair presumption that the line from Dublin to Athlone would shortly be completed, for the amount of the debt of this railway company, beyond that for the purchase of a canal, did not exceed 20,000*l.* The estimate for the formation of the line between Mullingar and Athlone was 300,000*l.*, while that for the line between Athlone and Galway was about 500,000*l.*; but he believed the expense might be reduced below the latter sum. He would, however, take 500,000*l.* as the sum to be advanced by the Government, and in this sum there was included the charge for two aqueducts over the rivers Shannon and Suck. This money would be advanced at the rate of 3½ per cent, and the repayments were to commence after a period of ten years, when the debt was to be paid by instalments. For such repayments it was intended to take as security the receipts of the whole line. There would be ample guarantee for the amount of interest payable to the Government, for the baronies on the line were bound to make good to the company the difference between the profits of the line, and the interest due by them to the Government. In order to ascertain clearly and distinctly the state of the property, an auditor would be appointed by the Government, whose duty it would be to investigate the accounts of the company, and his decision was to be final as to the proportion in which the interest on the sum advanced should be shared, between the company and the baronies. In advancing this sum for the construction of the line between Athlone and Galway, they did not consent to do so without at the same time insisting that contemporaneously with this the company should construct out of their own capital the line between Mullingar and Athlone, and stipulations had been entered into for this purpose. Before any instalment was advanced, the Government must be satisfied that the company were prepared to expend three-fifths of that sum on the line between Mullingar and Athlone. Thus, for every 100,000*l.* advanced by the Government, 60,000*l.* must be advanced out of the funds of the company. The whole of it must be completed by December, 1851, and the Government would have power to take possession of the whole if the line was not completed at the expiration of that period. The whole amount to be expended was 800,000*l.*; 500,000*l.* advanced by the Government, and the rest by the company. This would confer great benefit on the districts through which it passed, in the employment of the poor labourers along the line, and it would also tend to the improvement of the districts lying near the line. An annual report of progress, and the effect which the employment of labour had produced, would be furnished to the Government, and laid before Parliament. He held in his hand a letter from Sir John Macneil, an engineer of the first eminence in Ireland, in reply to a request from the secretary of the Great Southern and Western Railway to know his opinion of the effect which the works of that company had produced in certain counties. The letter was as follows:—

"In reply to your letter requesting to know my opinion as to the amount of good which the works of the company have done in the counties of Tipperary, Limerick, and Cork, I beg to state that the number of persons employed by Mr. Dargan alone, in the excavations and embankments, in the gravel-pits and quarries, and along the line, exclusive of masons, carpenters, and other mechanics, has exceeded 15,000 a day. These men had an average of 9*s.* a week each, which they regularly received, and were by that means enabled to support themselves and their families. The total amount of individuals thus supported could scarcely be less than 80,000. Had it not been for the timely advance made by Government last Session of Parliament, the greater part of these people, if not the whole, would have been thrown on the parishes or died of starvation. Most of the men employed on the works were from the immediate locality of the different works, though there were some from distant parts of the country. The giving of this employment, and keeping so many people from the demoralising influence of the poorhouse, are not the least of the benefits which have been afforded by the advance of the public money; for the men so employed have been taught such habits of labour, and are so much improved in physical strength and efficiency of working, that they are now better worth 9*s.* a week, even as farm servants, than they were before worth 5*s.*; and it is a fact well known, that in every instance the men who have been employed in railway works, under regular contractors, and obliged to give full labour for their wages, have seldom afterwards wanted work. They readily find employment, either in this country or on public works in England and Scotland, and, in most cases, would prefer taking work by contract than by day's wages; which is very contrary to what they were accustomed to do, and proves as clearly as anything can, that their former slothful and idle habits have, in a great measure, been overcome, and changed into an energetic desire to improve their condition by exertion and labour—a feeling which it is most desirable to promote and encourage, and which, I believe, cannot be better accomplished than by such employment."

The House would be gratified to hear this account of the improvement of the working classes in that part of Ireland by the expenditure of the money which had been advanced by Government; and it was obvious that a great many of the labouring poor living in the districts along the proposed line, would be employed with similar benefit to the country and to themselves. That this would be the case was generally felt in the neighbourhood of the proposed railway; and he held in his hand a resolution passed at a large public meeting held at Galway, expressing the greatest satisfaction on learning that this line was to be constructed. He was convinced it was utterly impossible for the Government to undertake works of this description on a large scale: the improvement of the country must arise out of individual energy, enterprise, and expenditure. It might be, that, to a certain extent, property in this part of Ireland must change hands; but, at the same time, means might be taken to enable proprietors who continued on their estates to improve them to their own benefit and that of the country too. He was happy to hear that there was an increasing disposition to purchase and take on lease in that part of the country; and he knew of nothing better calculated to encourage such a disposition than increased means of communication, and facilities for the transmission of produce to this country. The construction of this line might be of great advantage in the development of the fisheries off that coast; and as he saw no other possible means of effecting the beneficial objects to which he had adverted, he ventured to ask the House to sanction this advance of 500,000*l.* towards the construction of this line of railway on the terms he had already stated.

"*Res.* 1.—That the Commissioners of Her Majesty's Treasury be authorised to direct Advances to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Exchequer Loan Commissioners, to an amount not exceeding 500,000*l.*, to be by them applied by way of loan, for the purpose of constructing a Railroad between Athlone and Galway."

Mr. FITZSTEPHEN FRENCH rose, pursuant to notice, "to call the attention of the House to the necessity of securing the completion of trunk lines of railway throughout Ireland." He would not enter on the details of the Government measure, until the Bill by which it was to be carried out was in the hands of Members. To some of its provisions, as explained by his right hon. Friend the Chancellor of the Exchequer — for instance, the liabilities sought to be imposed on the counties—he was strongly opposed; they were unjust, and not to be defended on principle, and if carried, would be the foundation of bitter animosity and litigation between the railway proprietors and the landholders in the districts through which they were to be made. Still, on the whole, he was happy to be able to say that he regarded this proposition as one of the most statesmanlike measures that had emanated from the Government. It went in the right direction, though he thought not far enough. It was his opinion that the employment afforded by the railways in England had, far more than the new poor-law, tended to check pauperism here; and he was satisfied that the extension of railways in Ireland would tend to the same happy result there. There had hitherto been far too little done by the Government of this country in the promotion of railways, despite the admirable examples shown them by far less wealthy and commercial countries. In England, up to 1847, 109,000,000*l.* were expended in the construction of railways, the income from which is 9,000,000*l.* In addition to this sum expended, there is a yearly outlay of 30,000,000*l.* on the lines in progress of construction. Up to the end of 1848, about 200,000,000*l.* had been laid out; and by the report of the Railway Commissioners, it appears probable that a further outlay of 90,000,000*l.* will take place on lines authorised by Parliament. There

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are now 3,918 miles open in England. In 1847, when about 2,600 miles were in operation, 60,000,000 of passengers, 20,000,000 of tons of goods, 2,000,000 of sheep, 500,000 black cattle, and 500,000 pigs, were carried; the traffic and works affording permanent employment to 50,000 persons, and temporary work to 254,000, making a total of no less than 304,000 persons employed about railways during the year. This, too, was exclusive of colliers, of men employed in iron works, engine and coach factories, and brickfields. If the estimate were made to include 400,000 heads of families, it would not be too much, and that would give 2,000,000 of individuals fed through railway employment in England. His belief was, that the enormous amount of wages annually paid on the lines, the saving in the transit of passengers, and the facilities for the transport of goods and produce, were much larger items in the aggregate of England's prosperity than many might suppose. The benefits to be derived from railways had struck foreign Governments so forcibly, that they had not, as in England, waited for private capitalists to come forward, but had advanced sums from the resources of the State. What had been done by the Belgian Government under M. Nothomb's administration, was familiar to everybody; but he doubted if what had been effected by other Continental States was equally well known. In the smaller German States, up to 1845, 541 miles had been constructed, at a cost of 9,676,249*l*., in this proportion:—

	Distance. Miles.	Cost. £	
Baden	96	1,704,306	Government line
Brunswick and Hanover	38	209,707	ditto
Brunswick and Oehterleben	43	240,000	ditto
Brunswick & Hamburg	27½	127,500	ditto
Hamburg to Bergedorf	10½	191,332	
Altona to Keil	64	382,500	
Leipzig to Dresden	71½	975,000	
Saxon Bavarian	51	900,000	¼ by State
Taunus Railway	28	291,666	
Munich to Augsburg	37½	350,000	Purchased by Government
Louis, Southern and Northern	70	4,286,500	Government
Nuremburg and Furth	4	17,708	

In Prussia, a comprehensive system of lines was traced out to the extent of 3,200 miles, of which, up to 1845, 652 miles were completed at a cost of 7,017,198*l*., in this proportion:—

	Distance.		Cost.
Berlin and Anhalt	93½		£726,873
Berlin and Potsdam	16		200,000
Berlin and Stettin	83		783,600
Berlin and Frankfort on Oder	49½		420,000
Lower Silesian	134	3½ per cent guaranteed by Government	1,200,000
Upper ditto	49½		630,000
Breslaw and Schweidnitz	37		285,000
Madgeburg and Leipsic	67½		615,000
Ditto and Halberstadt	35½		286,155
Dusseldorf and Elberfeld	16		304,170
Cologne and Aix-la-Chapelle	52		1,425,000
Ditto and Bonn	18½		131,400
	652		£7,017,198

In Austria, the following lines had been made:—

	Distance.	Cost.
Budweis Linzguimden	119	£342,600
Emp. Ferdinand's Nor	179	1,700,000
Vienna to Glognitz	46	1,050,000
Olmutz and Prague	151	1,843,725
Murzuschlag and Gratz	57½	600,000
		£5,536,325

In France, about 1,360 miles of railway had been opened. In Belgium, there had been 347 miles constructed by the State at a cost of 5,945,148*l*.

In Sweden, the State guarantees 4 per cent for fifteen years: repayment of any money paid by the Government not to take place for ten years, and then only to be made from half the surplus profit over 6 six per cent, the terms being these: the lines to be purchased by the Government for twenty years, unless at a bonus of 25 per cent; to be exempted from ordinary taxation; Crown lands to be given free, and the labour of soldiers, paupers, and convicts at the disposal of Government, to be given to the companies at reduced wages. Electric telegraphs to be erected at the public expense. Even in our own colonies the principle has been acted upon. By an Act of the Legislature of New Brunswick, 6 per cent was guaranteed to the St. Andrew and Quebec Railway. This Act was sanctioned by Her Majesty in Council. The East India Company guaranteed to the shareholders in the Great Indian Peninsula Company a dividend of 6 per cent; and the 11 and 12 Vic., c. 130, authorised Her Majesty to guarantee 4 per cent for loans for the construction of railways in the West Indies and the Mauritius. Eleven years ago, the attention of the Government was drawn to the expediency of developing the resources of Ireland by advances to Irish railways, and a measure was introduced by Lord Morpeth for applying two millions and a half to the purpose, but this proposal had not been carried out. Since that time, Acts had been obtained for the construction of thirty lines, extending to 1,676 miles. Fifteen of these lines were open, or in progress, extending to 450 miles altogether, 361 miles being actually open, leaving 1,200 miles, which the Legislature had decided to be necessary and remunerative, not commenced, nor likely to be commenced. The lines open were Kingstown, Drogheda, Great Southern and Western, Midland Great Western, Ulster, Ballymena. Those in progress are the Belfast Junction, Newry and Enniskillen, Dundalk and Enniskillen, Belfast and County Down, Warrenpoint and Rostrevor, Waterford and Limerick, Waterford and Kilkenny, Cork and Bandon, South Eastern. It was no great wonder that hitherto capitalists had been deterred from entering more largely upon railway schemes in Ireland, when consideration was applied to the enormous sums which had been expended here upon railways. In England, up to the present time, a sum of nearly 200,000,000*l.* had been spent in the construction of railways, the cost per mile being—Blackwall, 289,980*l.*; Croydon, 80,400*l.*; Manchester and Bury, 70,000*l.*; Manchester and Leeds, 64,582*l.*; Manchester and Birmingham, 61,624*l.*; Manchester and Sheffield, 56,316*l.*; Brighton, 56,981*l.*; Eastern Counties, 46,355*l.*; Great Western, 46,870*l.*; South Eastern, 44,412*l.*; North Western, 41,612*l.*; South Western, 28,004*l.* And not much wonder at this cost when you considered the monstrous expenditure for land and Parliamentary charges. The cost per mile for these items were—

	For Land.		Parliamentary Expenses.
Eastern Counties	£15,881	...	£886
Brighton	10,105	...	4,806
Great Western	6,421	...	985
Manchester and Birmingham	16,252	...	5,100

The Parliamentary expenses of the Grand Junction were 1,527*l.* a mile; of the Blackwall, 14,414*l.* Contrast this with the cost of railways elsewhere. Mr. Preston, in a letter lately addressed by him to Lord John Russell, states that the entire cost of the German lines, up to the present time, averages only 10,940*l.* a mile. In Belgium, the line from Ghent to Bruges cost 7,675*l.*; that from Ghent to Courtrai, 6,620*l.* per mile. Of the American railways, the Columbia and Philadelphia cost 10,000*l.*; the Boston and Worcester, 7,700*l.*; the Western, 7,300*l.*; the Camden and Amboy, 4,100*l.*; the Utica and Syracuse, 3,600*l.*; the Richmond and Potomac, 3,600*l.*; the Florida, 3,200*l.*; Auburn, 2,990*l.*; South Carolina, 2,600*l.*; Central, 2,400*l.*; Attica and Buffalo, 1,600*l.*; of single lines, the average cost in America has been 5,000*l.* per mile. There was no reason why the lines in Ireland should not be constructed upon as economic a scale, for the landlords would be ready to meet the various companies upon the most liberal terms, reflecting, as they must, upon this among other considerations of vital benefit to themselves and to their country, that the 60 per cent of outlay paid to unskilled labourers would, to that enormous extent, lighten the rates, and that the character of the labour would permanently raise the character and views of the labourers. In the county he had the honour to represent, the landlords gave up all claim to remuneration for the land taken by the Board of Works in 1847. Lord Lorton gave up 900*l.*; Lord de Freyne, 800*l.*; Lord Westmeath and Mr. Will, all gave up the sums for which they held the Board's certificates; and a similar course would, he was confident, be adopted by the Western landlords. He did not contend that it would be advisable to assist in the construction of the 1,200 miles of railway now left untouched, even although it might be shown that the returns would cover the expense. To secure to Ireland the advantage of trunk lines of railway would not require a larger advance altogether than 2,000,000*l.*; and he was prepared to show that, should Government adopt his plan, the produce from the tax on passenger traffic would produce them an income of 16,000*l.* a year over and above any liability to which they would be subjected, should there be no surplus revenues from the lines. He was deeply grateful for the advance now proposed; but he feared that, in the districts not immediately benefited, it would be considered a manifestation of favouritism towards a particular line; and, at least, as another illustration of that bit-by-bit legislation which had long been the subject of complaint on the part of Ireland against the Imperial Parliament. The whole of the western district was without railways, and what he would propose, under the circumstances, was, that the State should construct about 110 miles of railway, commencing at Mullingar, and ending at Ballina, with branches to Sligo and Westport. Such a line would run through the very centre of the distressed unions—Ballina, Swinford, Castlebar, Westport, Ballinrope, Roscommon, and Castlerea—all which places were suffering from the impossiblity of trasmitting their produce—the cost of carrying being often 25 per cent of the value; so that cultivation was almost at a stand. This would cost about 880,000*l.*, or, if the plan of Sir John M'Neil were adopted in the construction, only 400,000*l.*, a fair interest for which, say 2 per cent, should be guaranteed by the counties which received the benefit of the line. Unless facility of carriage was provided, it was unreasonable to expect that either capital or enterprise would be applied to agriculture in these districts. No investment would be made so long as the market for the produce is so distant from the place where it was grown, and the mode of reaching it so dilatory and expensive. This State outlay would form the necessary basis of the work, and he would further propose to stimulate and encourage the investment of private capital by a loan of 1,500,000*l.* upon the terms of double the amount lent being expended by the companies. He would propose to make this loan to the existing companies in the following proportions:—To the Midland Great Western, 460,000*l.*; the Belfast Junction, 300,000*l.*; the Dundalk or Newry and Enniskillen, 200,000*l.*; the Londonderry and Enniskillen, 100,000*l.*; the Waterford and Limerick, 200,000*l.*; the Killarney Junction, 50,000*l.*; and the Limerick and Ennis, 70,000*l.*; the Cork and Bandon, 80,000*l.*; the South Eastern, 40,000*l.* The security he proposed was a lien on the entire lines on which the paid-up capital of the companies had been expended. Were this done, Ireland would be put in a fair way to work out her own regeneration. A Northern trunk line would thus be secured, connecting Dublin, Drogheda, Dundalk, Newry, Belfast, Castleblaney, Armagh, Enniskillen, Strabane, Londonderry, and Coleraine. A Southern, connecting Dublin, Cork, Limerick, Bandon, Killarney, Ennis, Carlow, Kilkenny, and Waterford; and a Western, connecting Dublin, Galway, Sligo, Ballina, and Waterford. The effect of affording this assistance would be to seure an outlay of about 5,000,000*l.* in Ireland during the next three years. Employment would thus be given at once to 40,000 heads of families, and thus a maintenance afforded to the 200,000 souls dependent upon them. To provide even against the possibility of loss on the lines executed by Government, a guarantee of 2 per cent should be given by the counties or baronies benefited. A liability of this kind could not fairly be objected to, as they would receive a very considerable increase to the value of their property. The line to Birmingham, about the same length, is shown to have added 360,312*l.* to the value of the landed property, exclusive of all contingent advantages, while a description of property would be created which would not alone give employment to their ablebodied labourers, but contribute largely to their poor-rates. Railways had always been found to create the means of permanent employment—they never contributed largely to the direct easement of the burden of poor-rate.

	£	*s.*	*d.*
London and North Western, pays in parochial taxes, per acre......	13	6	0
Lancashire and Yorkshire	14	10	0
Brighton	14	0	0
Dover	14	6	0
Great Western	9	16	0
South Western	7	16	0
Midland................................	7	6	0

The effects they would have on Ireland, and on the development of its great mineral resources, was very ably shown in the pamphlet by the hon. Member for Tewkesbury, on *Irish Wants and Practical Remedies.* He says—

> "Putting aside, for the present, the more prominent features, usually considered in reference to railway traffic, the rapid transit of passengers, the greater cheapness of fares, and the greater safety in travelling, we have to consider more particularly how a railway system will affect the agricultural interests of Ireland, which is so peculiarly dependent on those resources."

He we have the very valuable evidence given before the Select Committee in 1846 on the Railway Acts' Enactments. That competent authority, Mr. Smith, of Deanston, then said, that on a farm of 200 acres on a six course shift, with fifteen miles of transport, the charges of carriage by the old mode would be 142*l.* 6*s.* 3*d.* and by railway it would be only 40*l.* 8*s.* 9*d.*, which is a yearly saving of 10*s.* per acre; a sum which in itself individually is small, and at once commands our belief, but in the aggregate is immense. Mr. Smith, it must be remembered, applied his data to Scotland and England, while in Ireland the system of carriage is much ruder, and more expensive. The census for 1841 estimates the number of cultivated acres in Ireland at 13,464,300, from which there would result, if it were possible to apply a complete system, a gross saving of 6,000,000*l.* or nearly 7,000,000*l.* yearly—a vast poor-rate, which would very much diminish the amount of human suffering in that country. To carry a railway to every corner of the land is impracticable, but it is practicable to give the accommodation to a very great part of Ireland; and if only to the extent of one-half the surface, an immense saving would still be effected, amounting to the gross sum of 3,000,000*l.* yearly—a fund which would be invaluable to Ireland. Mr. Smith stated before that Committee that land along the Edinburgh and Glasgow Railway, previously not worth 5*s.* per acre, is now worth between 30*s.* and 40*s.* an acre. He farther stated, that railways with low rates—

> "would very greatly tend to the increased consumption of manures, and to the transport of earth for agricultural purposes; that this would give a much increased produce to the land, which would enable the agriculturist to furnish his commodity at a lower rate."

There are seven coal-fields in Ireland—one in Leinster, two in Munster, three in Ulster, one in Connaught—and were proper means of transit provided, coals could be supplied throughout the country at one-third of their present cost. An eminent writer says—

> "If food be of importance to mankind, so is fuel, though its value is vulgarly apt to be underrated. To supply an increased quantity of fuel to the population is to increase their comforts, and to add to the value of human life."

Mr. Brown says—

> "What effect an abundant and cheap supply of fuel produces we know by such examples as the removal of the iron works from Surrey, Sussex, and the southern districts, where wood fuel formerly abounded, to Staffordshire, South Wales, and the coal counties. The effect of the present monopoly prices of coal is often to prevent iron-foundries, brick-fields, potteries, breweries, and many common works from being carried on in parts of the country, though there are large populations to consume the produce. Wherever an increased supply of coal is brought, the benefit to the population is great, by the better provision of fuel, and by the establishment of such home manufactures as before were kept away by the inability to produce at such low rates as to suit the markets and to compete with other wares. Where there is a want of mill-power by water, cheap coal will enable steam-power to be applied, and here again the opportunity is afforded for new branches of manufacture to be established. In those districts of Scotland where fuel is cheap, the steam-engine is employed, with advantage, to drive the thrashing machine, to pound bones, cut chaff, raise water, grind corn, and turn many of the farm machines. Coals at 30*s.*, 35*s.*, and 40*s.* a ton, afford but poor encouragement to the energetic agriculturist to resort to additional machinery. As the consumption of coal extends, the agriculturist also profits by the supply of ashes as manure, and of breeze or small coal at a cheap rate for burning bricks on the London plan."

With regard to the pecuniary result to Ireland from saving in the supply of fuel by railway, it is impossible to estimate it, because Ireland is now insufficiently supplied with fuel. Fuel could, however, be carried a hundred miles in Ireland for 8*s.* 4*d.* per ton, or 1*d.* per ton per mile; whereas now it cannot be carried more than twenty-five or thirty miles for 8*s.* 4*d.*; and thus the local collieries of Kilkenny and Leitrim are rendered less beneficial, while the supply of sea-coal is likewise restricted. It will, however, be allowed by the most prejudiced opponent, that advantages to the extent at least of 1,000,000*l.* per annum could be afforded to Ireland in the supply of coal and other fuel. There are three groups of copper mines, the yield of which was at 30,000 tons yearly. This might be doubled, as was the produce of the Cornish mines in the last twenty years—2,000 tons of lead ore, 100,000 tons of iron pyrites, besides immense quantities of slates, marbles, &c., were annually raised. Great and inexhaustible as was the supply of fish on the western coast, it was, for want of a market, unworked. The Government, by bounties, endeavoured to encourage these fisheries, but they left the main point undone, which was, to make a market. This can alone be done by extending the railways to the coast. The western fisheries have been untouched since the days of Charles the Second, when the Dutch paid 5,000*l.* a year for liberty to fish them. There are not above 60,000 persons employed in the fisheries throughout the whole of Ireland. In the zenith of her prosperity, 450,000 persons in Holland received direct employment from the fisheries—one in five of her population. In Ireland but one in 136 is so employed. The increase in the consumption of fish in England since the introduction of railways was very remarkable. The quantity carried inland had from nothing come up to 30,000 tons; in Birmingham, the consumption of fish in 1827 was 370 tons; last year it was over 6,000 tons.

To the trade of Ireland a railway system would do much good; for while the natural resources of Ireland already attract capitalists, good and cheap means of conveyance would do more. Besides the great staple of the linen manufacture carried on in the north, the manufacture of lace, embroidery, and other branches of industry, have been introduced into the west, where female labour can be had cheaply; any employment of this kind would, therefore, be a great relief to Ireland.

In 1839 there were in Ireland twenty-five cotton mills employing 4,622 persons, thirty-eight woollen mills employing 1,231 persons, and forty-four flax mills employing 9,017 persons. The flax crop in 1844 was estimated at 39,000 tons, worth 2,000,000*l.*, and the value of linen yarn exported to foreign countries was 172,602*l.* According to the population returns in 1841, the number of spinners was 485,878, and of weavers 117,847.

It is scarcely necessary to point out how valuable railway communication must be for Government purposes, whether in the conveyance of mails, or in economising the expenditure of police and military, by enabling a smaller force to be employed. It is to be further observed, that it will greatly increase the Government revenues by developing the resources of the country, and stimulating the consumption of articles which contribute to the customs, excise, and stamps.

The completion of the Irish railways will be of vast benefit to the trade and commerce of England; it will facilitate her communication with the western world. The passage from Galway to Halifax will be made in 5½ days; the dangerous navigation of the Channel will be avoided by her merchant ships. The average loss to England from shipwrecks in the Channel is estimated at 2,000,000*l.* a year; out of 400 vessels, which is about the average number of those lost, 300 are lost in the Channel. England now requires 3,000,000 quarters of corn more than she grows. Ireland, if you give such facilities of transport as will render agriculture remunerative, can supply 10,000,000 quarters more than she now does—a subject of vital importance to this country if, through war or political jealousy, the Continental ports from which she now draws her supplies should be closed against her. The united kingdom will benefit by the reduction of expenditure as well as by the increase of revenue. Mr. Stanley shows that if the condition of the people of Ireland was raised to that of the people of England, there would be an increase in the excise alone of 6,000,000*l.* a year. From the changes effected by the introduction of steam vessels into naval warfare, should unfortunately any difference take place between this country and France, the merchant vessels of England, no matter how numerous her men-of-war might be, dare not attempt to pass through the Channel; small steamers, drawing a few inches of water, with one gun, darting out from the creeks on the French coast, would cut them off; complete the Irish railways, and a couple of steam frigates lying off Berehaven would secure the commerce of England from the French privateers. Government had but to adopt his proposal to secure its success. The House was ready and anxious to support any measure which was really for the advantage of Ireland. If they had not hitherto done so, it was because Government had not asked them to do so. The able and enlightened statesman at the head of affairs in Ireland had pledged himself to do all in his power to secure to that country the advantage of railway communication. He felt, in the words of Mr. Drummond—

> "That it was a waste of the public available resources to suffer so large a portion of the empire to lie fallow, or to leave it to struggle by slow advances and with defective means towards its own improvement, when the judicious aid of the State might quickly make it a source of common strength and advantage."

They had now an opportunity of laying a foundation on which the structure of Ireland's future prosperity could be securely raised. The policy of doing so was unquestionable. It was acknowledged to be necessary in the colonies, and how much more so in an integral part of the united kingdom, where neither the land nor the population can continue to be useless without being hurtful at the same time and in the same degree. The wealth of London was ready to pour into the distressed districts of Ireland if encouraged to do so; and great would be the responsibility of Government if their remissness or contracted views should leave Ireland to drift, as she now was doing, to destruction.

Mr. GOULBURN said, he should take that opportunity of making a few observations on the question involved in the vote which they were asked to sanction, because he could not but think the subject was one of very great importance, and one that was pregnant of consequences to the country. He should not follow the hon. Gentleman who had just sat down into the question which he discussed as to the probable advantages likely to accrue to the country from the completion of certain railways. He thought that great benefit must result to any country which was in a condition to require extraordinary or ordinary means of conveyance, and which possessed a traffic in heavy goods in quantities to be conveyed. But although it was not his intention to follow the hon. Gentleman, he begged to call the attention of the House to this, that the speech he had made was perfectly appropriate to the subject before them. It showed the House what they were to expect as the ultimate results of this proposed advance. They were relieving one particular district by the line of railway which it was intended to construct; but they must remember, if they meant to benefit Ireland, they must extend the principle on which they had entered; they must carry out the system, and have all those lines completed at the expense of the Government, which were mentioned by the hon. Gentleman, and which he set down at a cost of 2,500,000*l*., being four or five times the amount for which the Chancellor of the Exchequer had asked. This, then, was the proper time for the House to consider whether they were prepared to enter upon this principle of voting assistance—whether, in the present state of the revenue, they believed that they should have resources sufficient to meet the advances required of them, not only in the present but in future years; for they were bound now to consider whether they were prepared to carry the principle further than the present vote before they adopted it at all, and to consider whether the money so advanced for the construction of railways might not be applied to a better purpose. He recollected that a similar proposal to this was made on a former occasion by the right hon. Gentleman the Chancellor of the Exchequer, when he proposed to advance to the Cork and Limerick line a sum of 600,000*l*.—a line in the south of Ireland. He (Mr. Goulburn) at that time called the attention of the House to the difficulties involved in making such a grant, and he particularly stated to the House that if the grants were made, the calls they should have upon the public treasury would be so many, that the right hon. Gentleman would be quite unable to meet them. They saw now that the prophecy he then made was so far made good that the right hon. Gentleman was compelled again to come to the House for another vote of 500,000*l*.; and let them believe him, the time was not far distant when the House would be called on to meet the expectations of the hon. Gentleman the Member for Roscommon, and to show cause why they were not prepared to complete the railroads he had mentioned. He (Mr. Goulburn) could well understand the principle of this application to Parliament, if the Government had taken the whole making and management of the railways into their own hands. A proposition to that effect was made when Lord Morpeth was Secretary for Ireland. That proposition was not adopted by the House; and now, let him ask, what were the consequences that followed? Why, it led to this—that the capitalists of England immediately did embark their money in the making of railways in Ireland; and they had at this moment railways formed by private capital, three-fourths of which belong to Englishmen, and one-fourth to Irishmen; they had that accomplished by private enterprise which the House had refused to sanction as a work to be undertaken by the Government. Now, then, they were again asked to make an advance to particular railways, and that was the ground of his objection to it. As he had stated, he could understand a principle that led Government to take up a general system, which, without conferring favour upon any one particular district, would equally benefit all the districts of the country. But if they sanctioned advances to special cases, and if they could induce the belief that, by having the merits of particular districts ably represented by friends to the Government, with some little pressure upon the Treasury, they could obtain that assistance which was denied to other railways, the effect would be, conviction produced on the public generally of partiality in the Government, and of favour for particular districts of the country. But, said the hon. Gentleman the Member for Roscommon, the scheme would open up a great extent of country now suffering from distress. Well, he (Mr. Goulburn) put out of consideration altogether the relief which would be contributed to the existing distress in Ireland; for the right hon. Gentleman proposed that this money should be advanced gradually in the course of the next two years; so that, although the existing distress had been brought forward as an argument for advancing this sum of 500,000*l.*, it could have no effect whatever towards relieving the present distress, for before it could be advanced, the next potato harvest must be gathered, and, whether scanty or abundant, the character of that harvest was only a question that could affect the future. The question, therefore, before the House was, whether, upon individual cases, they were prepared to sanction advances from the public treasury? Now, at what were they proposing to make the advance? They proposed to give this money at 3½ per cent—a rate of interest at which the best railways in the country could not obtain money; and yet other railways in Ireland which had been made by private enterprise were called upon to compete with lines formed by money advanced by Government on terms so advantageous. This was a railway intended to go through a great part of the county of Galway. He asked them whether this was a line at all likely to be productive, and to repay the loan about to be advanced? He confessed that when he heard the right hon. Gentleman, he was almost convinced he was listening to the auctioneer for the sale of Mr. Martin's estate; for he proceeded to tell them that they were to make a railway through Mr. Martin's estate—[The CHANCELLOR of the EXCHEQUER: No, no!]—that the estate would then be conveyed for sale to the most advantageous market—and he ended by assuring the future fortunate purchaser that his bargain would turn out almost another California. But he (Mr. Goulburn) entertained some doubt whether railways in a country not ripe for the reception of them, would prove so remunerative as the right hon. Gentleman seemed to expect. He did not know that Galway stood in need of railways. He recollected that in a former year Government was directed to make public roads through that country, and these were made at a considerable expense, and much to the benefit of the country; but whether railways were required by the traffic and condition of the country, was a question on which the House, he thought, would require some more evidence than they possessed, before they sanctioned the making of them. The right hon. Gentleman had told the House of the carriage of fish as an article likely to employ the railway; but would he tell them to what extent the carriage of fish had already gone on the railway which they had opened in a previous year? for he considered that the port of Limerick was as likely to be available for fish as any of those on the ocean. He said the Shannon fishery was as likely to be productive as those carried on upon the coast of Galway. At all events, they were bound to estimate that of which they knew nothing, by that which they did know—the Shannon fishery. Well, but the important question before the House was, whether they were prepared to extend the principle further than the present vote, and to repeat the same sum of money the next and the following year for the assistance of Irish railways. He was sorry that the course he was now adopting might seem like a want of feeling for the distress of Ireland; but he was sure that no such accusation could be made either against himself or the House. That, however, was not the question before them. He said, in calling the attention of the House to the difficulties in which the House was placed by the proposal of the right hon. Gentleman, he was only anxious to impress upon them the consequences of the course upon which they were entering; that although the system of advances from the Consolidated Fund by way of loan was an easy way of expending the public money, unless they would look after the loans thus made, and be quite sure, before making them, of the probability of their being repaid to the country, they would involve the country in difficulties which it would be impossible to reduce, without imposing upon the people burdens which they might be unwilling to bear when the period arrived, and which, perhaps, it was not right should be borne by the public. On that account he had thought it his duty to call the attention of the House to the caution with which they should ever think of advances such as were now proposed.

MR. HUME said, as a general rule, he had been accustomed to look upon all advances by Government with jealousy, but on this occasion the vote had his entire approval. He understood that this advance was to be made by Exchequer Commissioners, and was made not for the purpose of giving the Government the entire management of the railway, but to assist a company in completing a line, in the making of which they had already expended 800,000*l.*, having opened fifty miles of the railway. Their returns were about 1,000*l.* a week, nearly the amount which they originally estimated. The completion of the line was likely to be of the greatest advantage to the country; it would open up an extensive district to the markets of the north, and the line was in all probability one that would be remunerative; it would also give employment to labour and induce regular habits of industry. The company were to advance 300,000*l.* more than they had already paid up, and 500,000*l.* was proposed from the Government in order to complete the railway. He considered that this case was exceptional, and if it could be shown that the credit of the country could be safely given, it ought to obtain it. For security, they were not merely to have the line already made, but in case the returns were not sufficient to cover the liabilities, they could fall back upon the baronies along the line, which they held as an additional security. They besides advanced the money by instalments of 100,000*l.*, each of which must have been laid out in effective works before another was advanced to the company. He was disposed, therefore, to say that the 2,000,000*l.* already advanced for the same purpose in Ireland, had been applied to a good and proper end. But when Lord Morpeth introduced his measure with regard to Irish railways, his objection to that Bill was, that it proposed giving to Government the entire management and control of the whole system of railways in Ireland. He begged the House to consider at what moment they were now making this advance. When the company began the line, they were paying 14*l.* or 15*l.* per ton for the iron, but now they might complete the line at 4*l.* or 5*l.* a ton, so that at this lower rate they were conferring a lasting benefit upon the country. As the means of employment for the labouring poor, and as a proper measure to be taken in the present state of Ireland, he should give the vote his support.

Mr. ORMSBY GORE concurred with the hon. Member for Montrose in the view which that hon. Gentleman had taken of the subject. With regard to what had fallen from the right hon. Member for Cambridge University, he begged to say, that the railway did not pass through Mr. Martin's property; it went through the best and most productive part of the county of Galway, as fine a district for a railway as any in the empire. Again, the right hon. Gentleman spoke of a competing railway; but there was nothing of the sort. There was not a railway in the whole province of Connaught, and this would pass through the very centre of that province, in fact, through the heart of Ireland. Taking it from its source, from Dublin to Galway, it cut the country exactly in two; and hereafter branch lines might be struck out from the main trunk with immense advantage. The railway which the right hon. Gentleman referred to ran parallel with the coast. This ran directly across the country, from sea to sea, and was the most valuable line that could be established in Ireland. It was a railway that must command a considerable amount of traffic. There was no sort of danger of its not being amply remunerative, and he should imagine that the security would be quite sufficient to satisfy the Government. He begged leave, therefore, to return his sincere thanks to Her Majesty's Government for this measure in favour of Ireland. This was the sort of legislation that they wanted there. They wanted the encouragement of industry in that country. They wanted legislation that would secure employment to the population. They wanted to encourage in the minds of the lower order of the Irish those industrious habits which, he regretted to say, now prevailed in only a small part of that country. He did not like any of the other measures that had been carried out, because they had not had this object in view. For instance, he looked upon the poor-law, even amended as it was, as a bonus upon idleness. He spoke as the owner of property in five different counties of Ireland; and he anxiously desired that the industry of the people should be encouraged, and that they who had hitherto been satisfied to rely upon the potato for subsistence, whilst they idled away the rest of their time, should be taught to put forth their energies, and exercise their honest industry for the purpose of elevating themselves in the scale of social existence. They must recollect that here, in England, they had substantial farmers with large capital, and farms of from 500 to 1,000 acres, and that in consequence of the employment of the labourers upon those farms, this country did not suffer the distress that was experienced in Ireland. There, in many parts, they had nothing of the kind, but a cottier tenantry who lived merely from hand to mouth, and had no stimulus to industry. It was that stimulus which was required, and he implored the Government therefore to persist in that course of legislation, of which he hoped this was but the commencement.

Mr. ROEBUCK said, although the hon. Member for Montrose was, with him, a great authority on these subjects, he was sorry to say that upon the present occasion he felt obliged reluctantly to differ from him. He felt obliged to look at his own country—he felt bound to consider the position of England as well as of Ireland; and when the hon. Member who had just sat down — an Irish landlord, holding land in five counties — said this was just the sort of legislation he would like, he (Mr. Roebuck) could very well understand that statement, coupled as it was with a denunciation of the Irish Poor Law, and with other measures which had been recently passed, obliging Ireland to support her own poor. The feeling of dislike to the rate in aid, and the poor-law, on the part of the hon. Gentleman, was the result of the state of mind which approved of this advance or loan. But he (Mr. Roebuck) had to look at another part of the question. How was the money to be obtained ?—where would it come from ? And if from the hard earnings of the people of this country, were they able to endure it? What were they going to do? With a failing exchequer—with a revenue unequal to the expenditure, they were about to advance money to Ireland. He well remembered the manner in which the Chancellor of the Exchequer combated the proposal of the late Lord George Bentinck. It was very seldom he quoted *Hansard*, but he thought it was most appropriate on the present ocaasion. What did the right hon. Gentleman then say ?

> "I do not like to see the State become a lender. If the parties have good security to offer, and if the speculation be a fair speculation, I have never known any difficulty in obtaining loans from private individuals."

Now, he wanted to know what it was that had changed the mind of the right hon. Gentleman since that period—or what had rendered the position he then laid down less valid or applicable. In 1847, Lord George Bentinck proposed to the House a general scheme of railways in Ireland. Had he (Mr. Roebuck) wished to accept of any plan of money-lending, he would have accepted that plan. But here was a case less plausible which the Chancellor of the Exchequer proposed to promote, although he vehemently opposed that project. His hon. Friend the Member for Montrose said the prospect was excellent, that the traffic would be good, that the security would be unexceptionable, and that there was no doubt of the return of the money. But were not all these circumstances calculated to induce private individuals to make the loan? and if they would make the advances, why should the State become a lender ? But if a private lender could not be found, then, as there was abundance of capital in this country, it followed that such a state of circumstances did not exist, and therefore the Government ought not to incur the risk of non-payment. One of two things must be —either there was ample security and no risk, or the security was insufficient. In the former case the Chancellor of the Exchequer was wrong, according to his doctrine, as had been quoted—in the latter the Government was not justified, in the present state of the public finances, in making the loan. What was the condition of England ? Was it not notorious that in almost every union in England the poor-rates had been increased ? In Scotland the poor-rates had increased to a fearful extent. The poor-rate in Scotland had been, a few years ago, only 40,000*l.*; last year they were 500,000*l.*; and this year it was believed they would amount to 600,000*l.* Never before was there so heavy a poor-rate in Scotland. Such was the state of things in hard-working, industrious Scotland. And what were they going to lend this money for ? The hon. Member for Salop said they were going to lend it to teach the people to be industrious; but the right hon. Gentleman the Chancellor of the Exchequer and the right hon. Baronet the Member for Tamworth had formerly stated that money lent for railroads did not go into the pockets of the suffering and destitute poor. It was dispensed among the able-bodied poor—amongst the skilled and not the starving labourers — not unlikely amongst labourers from England. Was the money to be expended in charity or was it not ? Let the House understand that. It was the destitute and the suffering who most needed aid—it was the strong and ablebodied who would participate in this advance. If the money were to be expended in remunerative and well-secured labour, why then, as he said before, let the Irish railway directors borrow as others borrowed—if otherwise, and for charitable purposes, he grieved to say that his own overtaxed and heavily burdened countrymen could not afford it. He had no objection to the right hon. Gentleman raising the money amongst the Members of his own party; but on behalf of the hardworking artisan and the industrious, overtaxed labourer of his own country he protested against this advance as most unjust—a loan which would burden them still more heavily, and the only purpose of which was to drive railroads through Ireland. It was all very well for an Irish landlord to say that this was just the kind of legislation he desired; but the English people, however charitable, must not quite forget the taxgatherer. The skilled artisan and the poor throughout this country would be called to pay increased taxes on account of this loan; and when he looked upon their sufferings and when he saw amongst every class of labourers, whether skilled or unskilled, considerable privation and fear and trembling lest things might become worse—when he saw that the expenditure of this country already exceeded the income, he did not think England ought to be called to aid a country which had not yet unfortunately aided itself.

MR. HUME said, it was altogether a mistake to suppose that any additional taxation would be caused by this grant. The credit of the Government would be pledged to enable certain individuals who had advanced, or who would advance, 1,100,000*l.* to raise other 500,000*l.* at 3½ per cent, the interest being paid by them; and not a single shilling would be paid either by the artisans or anybody else in this country. Even should the railroad entirely fail, Government would have recourse to the baronies which had become security. Meantime 3½ per cent would be paid on the money raised on the credit of the Government; and wherever the public money could be lent so as to open up new sources of traffic and industry, it ought to be done. When the proposed line was completed, the carriage of sheep from Galway to Dublin, now 3*s.* or 3*s.* 6*d.* a head, would be reduced to 8*d.* or 10*d.* In every way, this appeared to him a measure which ought to be promoted.

MR. NEWDEGATE heartily rejoiced that the hon. Member for Montrose and the Chancellor of the Exchequer had at length found that the scheme of his noble and lamented Friend (Lord George Bentinck) was practicable, was applicable to the condition of Ireland, and would inflict no undue burden upon the resources of England. No one could say that England was now as prosperous as when his lamented Friend brought forward his plan; but when that plan was developed it was scouted as unsound in principle and impracticable in operation. Why, now, did the Chancellor of the Exchequer adopt its principle? Why, but that he at length was forced to recognise its soundness and utility. It was lamentable that the Government had not long ago yielded to those arguments of which they to-night silently confessed the truth and the force. Bitter experience had taught them the wisdom, the genius, and the high and generous feeling which had dictated that grand and statesmanlike scheme; and happy would it have been for the ill-fated country for whom it was intended if it had been then adopted and put in force. The Government only now saw what the foresight of his lamented Friend had long since sketched out. Why, the debate to which they had just been listening was but a *travestie* of the debate which occurred at the period to which he referred; and he could not help observing, whilst the right hon. Gentleman the Member for the University of Cambridge spoke, that his speech was but an echo of that which the present Chancellor of the Exchequer used against the scheme of his noble and lamented Friend. The old arguments of insufficient security for the loan—that it would not be employed in the manner they wished—and that it was improper for the Government to join with private speculators in the formation of great public works, were all hashed up and served out anew. Experience had, however, taught the Chancellor of the Exchequer and the hon. Member for Montrose that such arguments were inapplicable to the condition of Ireland. He (Mr. Newdegate) had supported the proposition of his noble and lamented Friend. He felt then, as now, that if they would govern successfully a country in such difficulties as Ireland, they must assist in the employment of its labour and in the development of its resources. It was not enough to tell the suffering people to help themselves, and enunciate some of the dry principles of political economy. They had a right to demand and expect from the Legislature and Government that they would assist them in the hour of need, and that means would be afforded them to raise them from their difficulties. He had often before declared his opinion, and he again avowed it, that it was an erroneous and a fatal principle in a Government or Legislature to stand by inactive and indifferent whilst a portion of their fellow-subjects were endeavouring to struggle out of extraordinary difficulties and to contend against severe sufferings and privations. The first function of a Government was to assist the helpless, to succour the industrious, and to stimulate the inactive. He was rejoiced to see that the noble Lord at the head of the Government, who in 1846 declared that he accepted the measure proposed by the right hon. Gentleman the Member for Tamworth as a great scheme, involving as it did a principle then perfectly new—of fostering no interest, but leaving each to flourish or to fade as best it might—by this proposal declared that scheme to be impracticable. He had only once more to lament that the Government needed such bitter experience before this truth was brought home to their understanding, and he hoped they would have the good sense to reject those bastard notions of political economy before the ruin which their operation involved was more widely extended.

Mr. ROEBUCK, in explanation, said, his argument was not against Irish landlords deriving benefit from this mischievous mode of proceeding. But he could very well understand the feeling of hon. Gentlemen who approved of one sort of legislation and not of another. As to what his hon. Friend the Member for Montrose said about this being a loan, and the security of Government, he (Mr. Roebuck) contended that if the name of the Government was necessary, the Government must incur some risk. If it were not necessary, what was to prevent private individuals from lending the money? The fact was that the Government lent the money because nobody else could be found to lend it. Why should they do so?

Sir H. W. BARRON had an exact answer to the question. By a return lately laid upon the table of the House, the hon. and learned Member for Sheffield would find that no less a sum than 7,600,000*l.* had been advanced by the State in England in speculative concerns. But the indignation of the hon. and learned Gentleman had not been in any way excited by those loans or advances. It was not a paltry sum of 500,000*l.* or 600,000*l.* to benefit a starving people that was advanced in the case of England, but millions—in England, too, where the capital was so abundant, and where, as the *Times* daily told them, people were seeking modes of investing money at a very low rate of interest. Upon referring to this return, he found that for the construction of canals, bridges, &c., 1,470,000*l.* had been advanced, for railroads 600,000*l.*, for building poorhouses, 1,900,000*l.*, for waterworks 70,000*l.*, and for the Thames tunnel 250,000*l.*; and these loans and advances were made without the hon. and learned Gentleman saying —"I protest against the advances on behalf of the skilled labourer, on behalf of the artisans, and on behalf of the unskilled labourers of this country. They will have to pay this tax. They are already too heavily burdened." Where was the patriotism, where the economy of the hon. and learned Gentleman when those advances were asked for and made? Oh no! it was only when a loan was made at what might be called a usurious rate of interest that the bile of the hon. and learned Gentleman was excited. There was an anti-Irish feeling in his blood, in his mouth, and on his tongue; and the hon. and learned Member made these appeals for the purpose of increasing the prejudices and arousing the animosity of the English people. The English labourer or artisan would have nothing to pay; and if the hon. and learned Gentleman was really ignorant upon this subject, he would show him from the official returns that these loans had been previously made with a positive advantage to the Exchequer. [*A laugh.*] Yes, he repeated, with an advantage; for whereas the Government borrowed the money at three per cent, they lent at three and a half per cent, upon the most unexceptionable security. The hon. Baronet then quoted various instances where monies had been advanced in loans, for Irish purposes, and punctually repaid, with interest, and at a profit to the Exchequer; and quoted the opinion of Government officials as to the good which had accrued, and which was likely to accrue, from such advances if well directed. He concluded by expressing his earnest and hearty approval of the Government proposition.

Mr. O'FLAHERTY was sure that if the hon. and learned Member for Sheffield had travelled through the distressed unions of Ireland, or if he credited the testimony of those who had seen them as to the misery existing there, he would cordially support this measure. He assured the House that no proposition ever introduced to their attention was of more consequence to the people than this; and the Government deserved the best thanks of the country for it. It would contribute to induce capitalists to invest in the country, and render most assistance to the operation of the Incumbered Estates Act. He hoped English Members would consent to look at this question upon a broad scale, for they were greatly interested in it; but at the same time he assured the hon. Member for Roscommon that not one of his constituents would coincide with him.

Sir T. D. ACLAND said, he had opposed the proposition of his late noble and lamented Friend for an advance of sixteen millions to assist Irish railways, because he thought it too large and unmanageable. But in the same year he supported a smaller advance for a similar purpose, because it was for a definite object—for an object as to which there were clear and distinct plans; and it was precisely because those conditions were fulfilled in the present case that he should support the proposition of his right hon. Friend the Chancellor of the Exchequer. Englishmen could not be better employed than in lending a helping hand to the sister country; and though he had not, like the hon. Gentleman the Member for Shropshire, property in five Irish counties, or even in one, he felt the interests of the two countries were so much identified, that they should be treated in that House exactly alike. The benefit to be derived from this loan would not stop at Mullingar, at Galway, or at Dublin. It would extend to Liverpool and to London; for improvements in the means of communication were not limited to the locality where they were effected. He hoped the hon. and learned Member for Sheffield would not be displeased with him, if he added, that if similar propositions were made to extend railway communication from Galway to Cork, Limerick, Belfast, and Derry, he should not oppose them. With the view, however, of putting an end to all doubt as to the security, he would put one question to his right hon. Friend. It was, whether there was one shilling due that had not been punctually paid upon the railway advances of 1847? If, as he apprehended, such was the case, notwithstanding the existence of very severe distress among all classes, it was idle to talk of risk. If the payments had been punctually made, how could the House say, upon the first occasion that presented itself, "We know you have fulfilled your engagements, but we will not trust you again?" Let the House trust them again, and he would answer for it the money would be repaid. Act liberally and kindly towards them; that was the road to the Irishman's heart.

The CHANCELLOR of the EXCHEQUER said, if he had entertained any doubt as to the success of the proposal he had made, it would have been removed by the eloquent speech of his hon. Friend. He had risen, however, to say he could bear the most satisfactory testimony to the fact that every sixpence of interest due from railways in Ireland had been punctually paid.

Mr. PETO supported the proposition, and begged the Government to accept his thanks for it, being convinced that it would prove of infinite benefit to Ireland. He begged to inform the hon. and learned Member for Sheffield that it would be altogether unnecessary to carry railway labourers from England to Ireland, for some of the best "navvies" employed in this country were Irishmen; and they were remarkable for their industry, temperance, and constant application to work. Irish labour needed development. Looking at the superior advantages of locomotion presented by railways, he hoped this would be only the beginning on the part of Her Majesty's Government of similar pledges of credit, where, having been well considered, they could be safely bestowed.

Mr. FREWEN knew the country exceedingly well through which the railway was intended to pass, and he thought the estimate of the expense between Athlone and Galway an exceedingly safe one. He considered that the estimate of 500,000*l.* for the making of the railway was exceedingly large. He thought that 450,000*l.* would have been a sufficient estimate. The Great Southern and Western line cost only 12,000*l.* a mile; and, as land and labour were less valuable in Connaught than in Leinster, it was reasonable to suppose that the present line would not cost so much per mile. His impression was, that there would be a much larger amount of traffic than hon. Members seemed to expect—even those who were acquainted with the country. The wages paid for labour upon the works would be of great service in the locality; for he assured the House that the correspondence he had received that morning represented the distress as most appalling.

Sir L. O'BRIEN hoped the House would consider the present Motion as not involving any question between England and Ireland, but rather regard the whole proceeding as a sending out of capital from the centre to a remote part of the empire; it was a spreading of concentrated capital over the kingdom. He claimed, however, for those parts, their proper share in the benefits of enterprise and industry. A famine had fallen upon the land; and, had it not been for that visitation of Providence on the western counties of Ireland, they would have exhibited as much industry, as much cultivation, and as many resident gentlemen setting an example to their tenantry as might be seen in any other part of the British empire. If the House were pleased to express kindly feelings, the people of Ireland accepted them; but they wished for no aid except upon grounds that hon. Members could fully justify before their constituents. He was happy to hear from many hon. Members, that they could do so in the conscientious discharge of their duty towards those who had elected them.

MR. H. A. HERBERT said, after the account of the punctual payment of interest upon loans to railway companies, he would call the attention of the noble Lord at the head of the Government to a memorial he had the honour to present to him lately. If the manner in which the present proposition had been received by the House, should encourage him to take the prayer of that memorial into consideration, he would confer a benefit upon a part of the country where it would be received with thankfulness.

Resolution agreed to.

The CHANCELLOR OF THE EXCHEQUER said, that by the next resolution he should propose a further advance of money, in addition to that which the House had, upon a former occasion, sanctioned, for the relief of distress in the western unions of Ireland, to be secured upon the rate in aid. He had stated, upon a former occasion, that the demands for assistance would necessarily increase as the summer advanced, and that for the three months preceding the harvest they would extend. But destitution had increased in the west to such an extent that a larger sum than the 100,000*l.* already voted had been advanced. The difference between the 100,000*l.* already voted and the sum advanced, had been obtained by issues from the civil contingencies. Up to about the beginning of June, the issues did not exceed more than 10,000*l.* per week; but now the weekly demand was 15,000*l.*, and he did not suppose it could be less until a considerable portion of the early crops, which he was happy to say were exceedingly good in many parts of Ireland, could be brought to market. The sum advanced in the first instance was 50,000*l.* That was before the passing of the Act. Since that, 124,000*l.* had been advanced, making altogether nearly 175,000*l.*; and this morning he had directed a further issue of 15,000*l.*, being an aggregate advance of about 190,000*l.* The sum he now proposed to ask the House for was 150,000*l.*, in order to cover all contingencies. This was merely for the relief of distress; and though 130,000*l.* might possibly be enough, he did not think, under the circumstances, that it would be safe to take a vote for a less sum than 150,000*l.* He should therefore ask the House to sanction that advance. He had intended to ask for authority to readvance any portions of the sums repaid of workhouse loans for the construction of new workhouses, but he would propose another Committee with that view; and he only mentioned the subject to show that it had not escaped the attention of the Government.

Res. 2. "That the Commissioners of Her Majesty's Treasury be authorised to direct Advances to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any sum not exceeding 150,000*l.*, for affording Relief to certain distressed Poor Law Unions in Ireland, the same to be charged on any Rate to be levied in each Union in Ireland, under an Act of the present Session, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in Ireland."

MR. STAFFORD asked the right hon. Gentleman whether he would lay upon the table a list of the unions which had been assisted; also, whether the Government would make the repayment of workhouse loans more stringent than they had been; and whether they were prepared to enter into further details with regard to the new workhouses?

The CHANCELLOR OF THE EXCHEQUER said, he could at once state the unions to which advances were made. There were twenty-three, and among them were Ballina, Ballinrobe, Bandon, Castlereagh, Castlebar, Carrick-on-Shannon, Innistimon, Ennis, Dingle, and Westport. The amount expended in these unions for the relief of distress in the week before last was 14,934*l.*; the estimate for the last week was 15,059*l.*

SIR DENHAM NORREYS asked how far the collection of rates had been proceeded with in those unions? Had payment been enforced?

The CHANCELLOR OF THE EXCHEQUER said, the collection had been enforced to the utmost practical extent in all the distressed unions. He could assure his hon. Friend there was no slackness in that respect.

Resolution agreed to.

Resolutions to be reported To-morrow.
House resumed.

POOR RELIEF (IRELAND) BILL.

Bill read a Third Time.

Mr. J. O'CONNELL moved the insertion of a clause relating to the appointment of chaplains to workhouses. His object was to provide that the person appointed as Catholic chaplain to a workhouse should be a Catholic priest, and have the attestation of his bishop as to his fitness for the office. He supposed that the Irish Members opposite would not object to have the same rule applied to the chaplains of their persuasion, but, if they had, he was willing to alter the clause so as to make it applicable to Catholics only. It happened unfortunately that a very serious difference had recently arisen between a Catholic archbishop and the Poor Law Commissioners of Ireland, which rendered it necessary that such a clause as the present should be introduced; but he did not rest his case on that circumstance alone, as he thought the want of a clause to this effect a serious omission in the poor-law. He thought the commissioners could not have a better guarantee for the fitness of a chaplain than the sanction of his bishop. In the case to which he had alluded—that of the Catholic chaplain to the Tuam workhouse—a case had arisen during the absence of the archbishop which the commissioners required the chaplain to account for. The chaplain admitted that he was answerable to the commissioners on all civil matters; but as the case in question was one of a purely religious nature, he declined to enter into any explanation, except to his ordinary. The commissioners then dismissed him, and called on the archbishop to express his concurrence by recommending another chaplain. The archbishop refused to do so without investigating the case, and the commissioners then sent an emissary among the clergy of the archdiocese in order to try to find a person who would accept the office, in defiance of the archbishop. The case gave rise to great inconvenience, because the archbishop—bound by a solemn oath to discharge the duties confided to him—could not give way. He wished to confine the authority of the ordinary to strictly religious matters; and if there were any authority in the Presbyterian Church to which their clergy yielded obedience, he would be happy to introduce words that would include Presbyterian chaplains also. The effect of the law, as it now stood, was to make the commissioners a pope and council; and, what was worse, the chief commissioner was made pope for a religion to which he did not belong. He would ask, why should two Protestant commissioners have authority to decide in religious matters affecting Catholics? or why should the third commissioner, who was a Catholic, have a similar power with regard to Protestant chaplains? He submitted the clause for the approbation of the House, with a view to facilitate the working of the poor-law, as well as on the grounds of common sense and common fairness.

Clause brought up and read a First Time.

Sir W. SOMERVILLE hoped the House would not be induced to consent to the introduction of the clause, which would not have the effect of facilitating the operation of the Irish Poor Law. If there were one thing upon which the guardians were more jealous than another, it was the appointment and control of their officers, and although it was true the chaplains were appointed by the commissioners, and not by the guardians, still the greatest care had been taken to keep these appointments independent of the bishops. He doubted very much whether the clause, as it was at present worded, would apply to Catholic clergymen at all. He knew, however, that especial care was taken by the Poor Law Commissioners to consult, as far as possible, and in a respectful manner, the wishes of the Roman Catholic bishops or archbishops, who were the ecclesiastical superiors of the clergy about to be appointed. But, if this were carried further, there would be two distinct authorities in every workhouse in Ireland. The Poor Law Commissioners had laid down certain rules respecting the performance of the duties of chaplains, and the clergy must submit to some authority — that proper authority clearly being the commissioners. The hon. Member had alluded to a case in the Tuam workhouse, and had, on a previous occasion, moved for the papers connected therewith; but the hon. Member had not moved, as he (Sir W. Somerville) wished he had, that those papers should be printed. In that case, as in others, the Poor Law Commissioners had not departed from their ordinary mode of proceeding. One of the Poor Law Commissioners (Mr. Redington) was a Catholic, and he would be the last man to do anything disrespectful to the Church of which he was a member.

Mr. J. O'CONNELL said, his objection was not founded on the fact of two of the commissioners being Protestants. He should object to the interference of a lay Catholic as much as to that of a Protestant on any question affecting the Catholic religion.

Mr. STAFFORD inquired who was to be the authority to decide what questions were "purely civil" if the clause were adopted? He was aware that there would have been great difficulties with regard to the conduct of chaplains in the part of Ireland with which he was connected, were it not that the Roman Catholics there were presided over by so estimable a man as Dr. Ryan. He begged to take the opportunity, while referring to this subject, to thank the noble Lord at the head of the Government for the excellent appointment which he had recently made to the see of Limerick.

Mr. SCULLY wished to know if the commissioners claimed a power to remove a chaplain for carrying out his own religious views and those of his bishop?

Sir W. SOMERVILLE said, the commissioners had laid down certain rules for the guidance of the chaplains, and he considered that it was for the commissioners to decide whether these rules were neglected or otherwise.

Mr. M. J. O'CONNELL hoped his hon. Friend would not press for a division, as the sense of the House was so clearly against him. He should be exceedingly sorry to give a vote apparently in opposition to the authorities of the Church to which he belonged, and to his hon. Friend; but still he should feel bound to vote against the latter part of the clause. There would be a great difficulty in drawing a line between civil and religious matters; as, for instance, the celebration of divine service was a purely religious question, and still, if a chaplain neglected that duty without cause, it was clearly a case in which the commissioners ought to interfere.

Sir H. W. BARRON also hoped that the hon. Member would not divide, as the votes would be misunderstood in Ireland. He believed the word "ordinary" in the clause would not apply to Roman Catholic bishops. The House would not wish to leave the dismissal of the chaplains of workhouses in the hands of any bishops, whether Catholics or Protestants. He thought the present practice was found, upon the whole, to work conveniently. One case of dispute had indeed arisen in Tuam, but the House ought not to legislate for that single case. All that the House knew of that case was, that Dr. M'Hale had differed from the Poor Law Commissioners respecting the dismissal of a chaplain; but further than that the House knew nothing.

Motion made and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 3; Noes 74: Majority 71.

Mr. GROGAN then moved a clause to enable justices of the peace, in cases where tenants of premises for a term not exceeding a month, at a rent not exceeding 1*l.* per month, held over the premises after the term had ceased, or notice to quit had been served upon them, to order a constable to take possession of the premises; provided always that no such entry should be made on a Sunday, Good Friday, or Christmas-day, or at any time except between nine in the morning and four in the afternoon; and, also, that nothing therein contained should be deemed to protect any person by whom the warrant for taking possession should be sued out from any action which might be brought against him by any such tenant or occupier in respect of such entry and taking possession, where such person had not, at the time of suing, lawful right to the possession of the premises.

Sir L. O'BRIEN supported the clause.

Sir G. GREY said, that the clause was totally foreign to the purpose of the Bill; the clause was to facilitate ejectment in certain cases, and had nothing to do with the relief of the poor. If the clause was added, the title of the Bill ought to be altered.

Clause negatived without a division.

Mr. GROGAN then moved a clause, which he contended was strictly within the purviews of the Bill, declaring that when a party in possession of more than a quarter of an acre of land applied for relief upon a certificate of the guardians to that effect, it should vitiate the tenure of his land.

Sir G. GREY called attention to the fact, that by the present law the poor-law guardians were prohibited from affording relief to any persons who were in the occupation of more than a quarter of an acre. To ask the guardians, therefore, to certify that they had given relief to persons in possession of more than a quarter of an acre, would be requiring from them a certificate that they had violated the law. That could not be expected of them, and therefore he must oppose the clause.

Captain JONES supported the clause,

because if some such provision were not adopted, the landlord could not cultivate the land which his tenant had deserted without being liable to be prosecuted for trespassing on the land.

Mr. J. O'CONNELL opposed the clause as an attempt to make still more stringent the provisions of a law which was too severe already.

Sir H. W. BARRON supported the clause, as he had known instances of land being deserted by the occupiers who received relief, and when the landlords proceeded to cultivate the soil the same occupiers came forward to claim their land so cultivated, and said, here is our lease, and we have never been put legally out of possession.

Mr. E. B. ROCHE was certain that the clause would not keep a tenant to his surrender, as assumed by the hon. Baronet. The clause would enable the landlord to come in, and over-ride the lease if he were so minded.

Mr. M. J. O'CONNELL said, his hon. Friends who had opposed the original clause saw the evils which that clause had produced, but they did not see the greater evils which that clause had prevented. He was satisfied that if an unlimited right to relief had been given, without requiring a surrender of land, the Consolidated Fund itself would not have satisfied the claims which would have been made. The doubts which had arisen respecting the working of the quarter-acre clause, as it was termed, had been brought before an eminent barrister, Mr. Henn, who gave it as his opinion that a legal surrender of the land was not necessary; that all that was required was cessation to occupy. But other doubts had since sprung up, and he thought it was the duty of the House now to clear them up. He hoped the Government would come forward and settle the law upon this subject.

Mr. POULETT SCROPE said, this was a new ejectment clause. He thought the evil of the quarter-acre clause was that persons applying for relief were required to surrender the whole of the land they occupied, with the house they lived in: he did not think the operation of the law would be so much complained of if parties were only required to surrender the surplus of the land they held, and were allowed to retain their house and a quarter of an acre.

Sir L. O'BRIEN said, that the language which had been used in that House upon the subject of Ireland by the hon. Member for Stroud, had done more to sow dissension in that country between landlord and tenant than anything else. He hoped Her Majesty's Ministers would grapple with the landlord and tenant question, for under the existing law ejectments were constantly taking place. There was in the sixth report of the Committee on the Irish Poor Law a passage bearing on the subject which was worthy of the consideration of the House and of the Government.

Mr. SHARMAN CRAWFORD said, with regard to the dispute between the hon. Member for Clare and the hon. Member for Stroud, he must say that though the hon. Member for Stroud might sometimes be misinformed, there was generally a strong foundation for his facts. All the evidence that had been laid before the Committee of which he was a Member confirmed this fact, that the wretched condition of the peasantry in the west of Ireland was to be attributed to the conduct of the Irish landlords—to their exaction of large rents, which had reduced the peasantry to the lowest description of food, and that in the smallest quantities.

Sir R. FERGUSON said, it was clear that the clause would not meet the circumstances of the case.

Motion made, and Question put, "That the said Clause be now brought up."

The House divided:—Ayes 23; Noes 97: Majority 74.

Sir A. B. BROOKE moved the insertion of a clause to alter the liability of lessors for rates in respect of tenements not exceeding the value of four pounds, to a value not exceeding two pounds. He was certain from his own experience that the present clause operated very injuriously, and gave much dissatisfaction. He thought the alteration he proposed would very much mitigate the mischief complained of—the extent of which might be conceived when he stated that the number of 4*l.* holdings in Ireland was 493,783. The valuation of 4*l.* was so far injurious as it prevented occupiers from endeavouring to raise the value of their land above the value of 4*l.*, as they would, in such case, be liable to the poor-rates. He trusted that Government would take this most important matter into its favourable consideration.

Clause brought up and read a First Time.

Sir G. GREY said, that the clause having been only that day printed, he had only just seen it. Now it appeared to him that it went much further than the hon. Gentleman had expressed an intention of doing, he having said that his object was merely to reduce the limitation from 4*l.* to 2*l.* No doubt some hardship arose out of the 4*l.* clause; but the hon. Gentleman's arguments tended rather to support a Motion for the repeal of the clause altogether than for its reduction in terms from 4*l.* to 2*l.* He could not assent to the hon. Gentleman's proposition.

Motion made, and Question, "That the said Clause be now read a Second Time," put, and negatived.

Mr. NAPIER then proposed a clause to alter the present deductions of poundage from tithe rent.

Clause brought up and read a First Time.

Sir G. GREY said, that there really was very great difficulty attending the subject. But it was not a new subject of consideration for the House. When the present existing Poor Law Amendment Act was passed in 1847, a proposition similar to that now made by the hon. and learned Gentleman was made. But, after considerable discussion, the House agreed, in preference, to adopt a proposition of his (Sir G. Grey's), to place the tithe-owners in Ireland upon precisely the same footing as they stood in England. A clause to that effect was agreed to, and it was even assented to by the right hon. Gentleman the Recorder of the city of Dublin, who then represented the University. But during the progress of the Bill through the House, after the clause had been seen in Ireland, the opinion of the clergy was collected, and they were decidedly against it. They preferred the law remaining as it stood, and the clause was accordingly withdrawn. So that it was upon the suggestion of the clergy themselves that the law upon that point remained unaltered. He (Sir G. Grey) was not prepared to say that the landlords did not in some cases obtain an unfair advantage under the law as it stood, but he did not think that the hon. and learned Gentleman's clause would cure the defect. He would be ready to attend to such a proposition as that which had been assented to by the hon. and learned Recorder of Dublin, namely, the placing of the tithe-owners in Ireland upon the same footing as those of England; but there were so many and so great objections to the clause proposed by the hon. and learned Gentleman that he could not assent to it.

Mr. NAPIER could not accept the offer of the right hon. Gentleman. From the evidence of most intelligent witnesses examined on this subject, it appeared that it would come to the same thing in result whether what was required to be done was effected, as proposed by the clergy, by a separate rating, or in the way proposed in his (Mr. Napier's) clause. The two sorts of tithe property in England and Ireland were very different, as regarded the subject before the House; and, in order to rate the clergy separately in Ireland, they must undo what was done by the Tithe Rent Charge Bill, and then they would have the old state of things brought back again which the clergy had given up twenty-five per cent of their property to get rid of. This was not a question between the clergy and the poor; and the clause he proposed would not make one 1*l.* of difference as to the amount of the poor-rate. He contended also that it would prevent many inconveniences to the landlord, in which opinion he was most completely borne out by the evidence taken before the Committee of the House of Lords, by whom this question was gone into very fully. The injustice of the Bill in this respect was so apparent, that it had even received the condemnation of many Roman Catholic proprietors. His proposition would render the law consistent with itself, and would prevent the Bill from making the Tithe Rent Charge Act a nullity. He therefore trusted that the House would permit the introduction of this clause.

Mr. P. SCROPE supported the clause, and thought the Irish landlords should vote for it, if they wished to do justice to the tenantry and the clergy.

Sir J. YOUNG did not mean to say that the clergy had not some grievance to complain of; but it fell very far short of the half-rate which the hon. and learned Member wished to deduct. If, therefore, he pressed his Motion, he (Sir J. Young) should feel bound to vote against it.

Mr. G. HAMILTON said, his hon. Friend the Member for Cavan had endeavoured to establish an analogy between the clergy and a landlord in occupation, and he had argued, that because the landlord in occupation pays the entire poundage, it is therefore just that the entire poundage of the poor-rate should be deducted from the clergyman or other owner of tithe rent-charge. But he (Mr. Hamilton) must maintain that no such analogy exists. He had always understood that the principle on which the constitution of poor-rate in Ireland was settled in the original poor-law, was that the tenant should pay one-half of the poor-rate poundage in respect of his profits as occupier; and, that the landlord should pay the other half—it being deducted by the tenant—in respect of his rent or advantage as owner. Obviously the owner of tithe rent-charge has none of the profits of an occupier; and, therefore, the analogy does not hold in that respect. Besides, none of the incidents of occupation belong to tithe rent-charge. The clergyman or tithe rent-charger has no advantage from the improved value of the land. He has no power of controlling the expenditure of the rates, or of keeping down pauperism; or, as a rent-charger, of giving employment. In none of these respects does any analogy exist between him and the landlord in occupation. It should also be remembered that he is rated on a gross, while the landlord in occupation is rated on a net and low valuation. He was glad, however, to find that his hon. Friend admitted that an injustice and hardship existed. He (Mr. Hamilton), on a former occasion, had given several instances of the immense injustice of the present system upon the incomes of the clergy. He would only trouble the House with one in addition, and he used it as an illustration of the system. He held in his hand a statement of the particulars of a parish with a population of 1,231 members of the Established Church. The income of the clergyman was, from rent-charge, 104*l.* and glebe, 11*l.* 3*s.*, in the whole 115*l.* 3*s.* From this there were necessary deductions in the shape of payments, which the incumbent was compelled to make. Instalment to the Ecclesiastical Commissioners for advances made to his predecessor for building or repairing the glebe house—a charge on the benefice towards a perpetual curacy, and other items amounting to 35*l.* 8*s.* 4*d.*, leaving the incumbent's actual income at 79*l.* 14*s.* 8*d.* Now, what would the House suppose the deductions made by the landlord during the year 1848 on account of poor-rate on this 79*l.* 14*s.* 8*d.* to have been? It was no less than 71*l.*, leaving the incumbent of this populous parish with an income for his support out of his benefice of 8*l.* 14*s.* 8*d.*, being a sum not equal to the salary of his clerk or sexton, and making no allowance for cost of collection, schools, or charities. His (Mr. Hamilton's) Colleague had argued the question so ably that he did not think it necessary to trouble the House further. He would only say that if the clause should not be adopted, he trusted the Government would not allow a case of such admitted injustice to remain without redress, and that they would propose some other remedy.

SIR DENHAM NORREYS agreed that it was a hardship that this particular charge should be liable to a greater amount of rate than any other charge. If the hon. and learned Gentleman divided the House he would vote for the clause; but in case it were lost, he thought that they would do well to adopt the suggestion thrown out by the right hon. Gentleman the Home Secretary.

MR. E. B. ROCHE remarked that it was the friends of the Church who were always ripping up this subject. With respect to what had fallen from the hon. Member for Mallow, he believed that that hon. Gentleman was a tithe-owner himself, and he thought that he was now very much in the position of a man becoming his own counsel. The hon. and learned Gentleman proposed to take from the shoulders of the Church the poor-rate, and to place the burden on other parties, the consequence of which would be a great increase in the liabilities of the landowner and occupier. There was no property so much exempt from taxation or from other liability as the Irish Church.

SIR DENHAM NORREYS said a few words in explanation.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 50; Noes 125: Majority 75.

On the Question that this Bill do pass,

MR. STAFFORD said the Bill was divided into two parts, the latter part coming strictly within the title which had been given to it, while the first part did not come within the title, being less calculated to amend the law than to introduce into it two new and vicious principles. Against the first clause of the Bill a majority of the Irish Members had recorded their strongest protest; and against the second clause a majority of two to one had also recorded their votes. Whatever there might be inhuman in the operation of the Bill, therefore, and however unjust and impolitic the second clause might be, for that inhumanity and injustice Irish Members were not responsible. He was not prepared to say that from the third clause to the end of the Bill considerable improvements had not been introduced into the present poor-law; but he must say that the principle of the maximum rate had been entirely forgotten from the moment they had introduced the margin relating to the debts. How, after the sixpenny rate in aid, the Government advances, the outstanding debts, and the emigration rate, they could talk of a maximum rate, he did not understand. The hon. Member for Manchester had given them most valuable aid in Committee, but he had never come forward to give them any assistance in the debate. The right hon. Gentleman the Member for Tamworth, too—he who had early in the Session propounded a scheme so magnificent that none of them could understand it—he who so readily catched hold of the imagination of an imaginative people—who felt that there was an absolute necessity to introduce capital into Ireland, did not, by his presence in these debates, show that he had any conviction of the intimate connexion that subsisted between every clause of this Bill and the introduction of capital into Ireland. The right hon. Baronet the Member for Ripon did the Irish Members the honour and himself the justice of bestowing his patient attention to the discussions in Committee on this question, and the Irish Members were much obliged to him for it. In order not to let the capitalist purchase land unawares, let them consider how under this Bill his property would be taxed. By the first clause there was a maximum rate of *5s.*, and he might possibly purchase under the delusive belief that that maximum would not be exceeded. Imagine him then to be called upon for an *8s.* rate. "Why is this?" he asks. "I thought I was not to pay more than *5s.*?" "Yes," is the answer, "but in Committee Parliament found it necessary to include the debts of the union, which require a rate of *2s. 6d.* additional, and then there is a *6d.* for a rate in aid, and that makes the *8s.*" But beyond this he will be called upon for *2s. 4d.* rate for promoting emigration. "But," says the purchaser, "I don't want to send out emigrants." "No," is the reply, "but one-half of the electoral division have refused to pay their rates, and the board of guardians have therefore determined to send them out as emigrants, and you must pay a rate of *2s. 4d.*" Thus *10s. 4d.* for rates was arrived at. Of course the purchaser now thinks that he has arrived at the end of his liabilities; but not so. Another collector arrives and demands a rate of *2s.* more in the pound. "What is this?" asks the purchaser. "Why," says the collector, "the maximum rate has been reached, and the Poor Law Commissioners have a right to collect *2s.* in the pound, and they have accordingly imposed that rate upon you." Thus, instead of *5s.* being the maximum rate, *12s. 4d.* would be the actual amount of the charge upon the land purchased by the English capitalist. The maximum was a mere delusion, and was used in the Bill as an engine for a union rate, and to enable the commissioners to levy a tax of 10 per cent upon the whole rateable property of Ireland. This was the justice of the Whig Ministry towards the property of Ireland; and, so far as the liberties of the country were concerned, the same Ministry had taken care of them by suspending the Habeas Corpus Act.

Mr. BRIGHT wished to say two or three words in reply to the hon. Member who had just sat down. He was obliged to plead guilty as to his absence while the measure was being discussed, and the chief reason why he had felt less disposed to take part in the discussions in the House was this—that, after having sat in the Committee, he was as much in the dark on the subject, if not more in the dark, than he was when the Committee commenced its sittings. If, then, he had voted on the various clauses, he must have voted in deference to authority on one side of the House or on the other; and under these circumstances he had not meddled with the Bill in the House. He had doubts so strong as to the propriety of a maximum rate, that had he been present he should certainly have voted against it, because the sum fixed by the Government was much smaller than in his opinion it was desirable to fix. If they were to have a poor-law on the principle of the one in England, then the principle of a maximum rate was a very hazardous one, and if tolerated at all it should be fixed so high that it would not be likely to be easily reached. He was willing, too, that it should be temporary in its duration, in order that it might not be made a precedent for the adoption of the same principle hereafter by other parts of the united kingdom. Had he been present, he would have voted with those who opposed the maximum rate. On the general question of the Bill itself, he was of opinion that the result would be nil, or next to nil, in Ireland. It would not remedy the complaints made relative to the poor-law; and indeed it was impossible by any shape of a poor-law whatever very materially to diminish the pressure which the pauperism existing in Ireland was bringing on the

Irish proprietors. He thought the Irish proprietors in that House, instead of making pauperism bearable, which it never could be in Ireland, ought to look to the source whence it sprung, and to the measures which might remove it, for the feeling of the people only tended to destroy, and did not in any sensible degree stimulate, industry. Efforts should be made to withdraw from dependence on those who were employed, vast numbers of those who were unemployed. He confessed that he looked to other measures which had passed, and were passing, infinitely more for any advantage to Ireland, than he did to the present Bill. He should be glad if he were mistaken, and if the Bill made pauperism bearable by the complete emancipation of the soil; and he should vote in its favour, because there seemed to be nothing better to propose instead of it.

MR. H. A. HERBERT had one word to say to the hon. Gentleman. The hon. Gentleman he knew had paid great attention to the evidence; and he appealed to him, and challenged any other hon. Gentleman, to show one single sentence of the evidence in favour of the principle of a union rating. But English Members had forced upon Irish Members that principle of a union rating, though it had been admirably argued against by the English commissioner. It was a principle against which the most distinct evidence was given by Mr. Twisleton.

Bill passed.

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, July 10, 1849.

MINUTES.] PUBLIC BILLS.—1ª The Trustee Act (1849); Poor Relief (Ireland); House of Lords Costs Taxation.

2ª Consolidated Fund; Marriages in Foreign Countries Facilitating.

Reported.—Inclosure Act (Extension of Powers).

3ª Silver Coinage; Mutiny and Desertion (India).

PETITIONS PRESENTED. By the Bishops of Rochester and St. Asaph, from the Clergy of Colchester, Bocking, and Essex, for a Reduction in the Assessment on the Tithe Commutation Rent Charge.—By the Earl of Harrowby, from Newfoundland, complaining of the existing Treaties relating to the Fisheries, and praying for Redress.

AFFAIRS OF THE RIVER PLATE.

LORD COLCHESTER rose for the purpose of asking the question of which he had given notice, with respect to the pacification of the countries bordering on the River Plate. He felt it was unnecessary to trouble their Lordships with any observations on the subject, as this matter had been so recently brought before the House by the noble Earl on the cross benches (the Earl of Harrowby), when the state of the negotiations at the time had been so fully explained by the noble Marquess (the Marquess of Lansdowne). However, he considered it was of importance that the question should be brought forward from time to time for the purpose of obtaining information; and he, therefore, begged to ask the noble Marquess what progress had been made in the negotiations between Her Majesty's Government and the Government of Buenos Ayres relative to the pacification of the countries bordering on the River Plate?

The MARQUESS of LANSDOWNE said, that he entertained a confident expectation that the negotiations were now in such a state as would lead to a speedy and satisfactory settlement of the matters in dispute in that part of the world. Indeed, he had hoped that by this time he should have been enabled to communicate information of the settlement of the treaty between the hostile parties; but, for reasons which would be obvious to the House and to the public, he could not as yet give any precise information on the subject. The Government of this country had been engaged with the Government of France in negotiating such a treaty, and the two Governments were becoming joint parties to an arrangement which would insure tranquillity to that part of the world, and would be beneficial to its trade and commerce. We had already an extensive commerce on the River Plate; and that commerce would soon become much more extensive if security could be established in the countries adjacent to it. He did hope, that by the concurrence of the two Governments of England and France, that object would be accomplished; at the same time, if difficulties should occur on the part of the French Government, he would not say that it would not be our duty to adhere to the arrangement which we had made separately with the Governments on the River Plate.

LORD HOWDEN said, he was aware that he was somewhat irregular in rising on the present occasion; but as he had been personally alluded to in a former debate, he threw himself on their Lordships' consideration while he addressed to them a few observations on the subject to which their attention had been called by his noble Friend. Although his noble

Friend had received information from a Member of the Cabinet which it was neither in his (Lord Howden's) province nor in his power to give, yet as he had been personally alluded to, and as he was not in the House when this question was under discussion some months ago, he now begged to make a few remarks respecting it. When the subject was previously under discussion, many strong and severe animadversions had been made on his proceedings. He had not, and might not have again, an opportunity of meeting them, and therefore he appealed to their Lordships' kindness, and in some degree to their sense of justice, that he might be allowed to occupy their attention for a very short time. By stating a few facts he wished to prevent a recurrence in that House to a subject which had become threadbare and exhausted, and must, he was convinced, be unpalatable to the majority of the House. To him had been assigned the subordinate task of carrying into effect the instructions of others. The defence of those instructions when attacked would fall into other and abler hands than his; the execution of them was performed by him to the best of his ability, and he would leave the appreciation of his conduct to the candour and kindness of their Lordships. He would not refer back to the entire history of the intervention. He had never been able to ascertain whether it originated in France or England, for both countries appeared to him rather to reject than claim the honour of its parentage; but be that as it may, its result, like the result of all equivocal measures, had not been satisfactory or successful. Their Lordships were aware that at the first blockade of Buenos Ayres General Oribe was deposed because he refused to allow Argentine prizes, made by the vessels of the French blockade, to be sold in the ports of Monte Video—that is, he objected to the confiscation of the ships of an ally in his ports; but his successor, General Ribeira, was not so scrupulous, and he was made President through French influence. After a blockade, in which we blockaded nothing but our own commerce, and after an action in the middle of what we called profound peace, things were precisely in the same state, without presenting any prospect of amelioration. What added greatly to the practical difficulty was, that there was no legality on either side. The president without the town, President Oribe, who had with him the immense majority of the Oriental population — of that there could be no sort of doubt numerically—had no right to the title, because he had solemnly renounced it; and the President within the walls had been elected in a packed assembly totally unknown to the constitution. Therefore, the attempt to settle their differences was, in fact, not an attempt to do justice to any party, but merely an attempt to make something out of nothing. At that time a confidential agent (Mr. Hood) was sent from this country with instructions that were to serve as the basis of a reconciliation. That basis was accepted, but to it were appended certain addenda required by the Government of Buenos Ayres. Mr. Hood was not of sufficient professional calibre to make head against the Plenipotentiaries of France and England, who were both opposed to him in their views. In the spring of 1847, he (Lord Howden), being then Her Majesty's Minister at Rio de Janeiro, was ordered to proceed to the River Plate to try to effect a settlement of this question. He was the bearer of a tripartite convention that was to be signed conjointly; but the idea of that conjoint arrangement engendered difficulties *in limine*, because the Buenos Ayrean Government refused to assent to anything in the shape of an arrangement conjointly with Monte Video. The English and French Plenipotentiaries were therefore obliged, on their own responsibility, to make three separate conventions, to be signed separately by the respective parties. There were at that moment two circumstances which most injuriously affected that mission. The first was, that the blockade, which was supposed would be a valid means of coercion, had turned out a complete failure; the second was, that General Ribeira and his party had been completely beaten, and things appeared in a very fair way of settling themselves in a more speedy and far more agreeable manner than could be effected by the unpopular agency of the foreigner. The preliminaries of the convention being settled, the negotiations proceeded favourably until they came to the clause relating to the River Parana. General Rosas, smarting under a most unjustifiable attack upon the territory of the Argentine Confederation without any declaration of war—and labouring—perhaps naturally—under an exaggerated susceptibility—required something more categorical and formal than what was offered in the clause as agreed upon by the Foreign Ministers in

London and at Paris; and the Plenipotentiary of Her Britannic Majesty—seeing that the River Parana ran between two banks, both of which were Argentine, and that whatever might be the imperfect rights of the countries above, yet certainly as far as that river did run between two banks that were Argentine, it was as much a part of the Confederation as the River Thames was English or the River Seine French—made no objection to admitting the proposition made at Buenos Ayres about that river; but the Minister of France did not think himself at liberty to do so. He (Lord Howden) was not at liberty to state what the views of the French Minister were with regard to this subject; but he must say, that, while employed on preliminaries at Paris, he plainly saw the failure of the negotiation under that head. Had the admission been made with regard to the Parana, the question of the Uruguay would have been allowed to stand over for reference to the two Governments at home. Suffice it to say, that the discussions at Buenos Ayres were broken off upon the subject of the Parana. The great object of the mission having failed, the next object was to avoid the useless effusion of blood; and the two Plenipotentiaries proceeded to the other side of the Plate to endeavour to arrange an armistice between the two belligerents, till an answer was received from England and France at Monte Video. The armistice was offered to the two parties; at that time the military situation of General Oribe was infinitely superior to that of the Monte Videan Government; and it was supposed that Oribe would be the person to refuse the armistice, if it was to be refused at all. He (Lord Howden) begged particular attention to the circumstance that it was stated to Oribe by both the Plenipotentiaries, that if he agreed to the armistice, the blockade should be raised. General Oribe did agree, and the English Plenipotentiary felt it his duty to perform his part of the agreement, and he forthwith directed the blockade, so far as England was concerned, to be raised. He (Lord Howden) believed that few of their Lordships were aware of what the nature of a blockade of the River Plate was, as regarded Buenos Ayres, of what was the reasoning by which it was justified, or the manner in which it was carried on. In the first place, you did not blockade Buenos Ayres—you do not obstruct the small light vessels of the country that can sail in shallow water, but you blockade the fine square-rigged vessels of London and Liverpool, and you blockade also the vessels belonging to the United States of America, which was becoming a very serious question. The mode, too, in which the blockade was carried on, made it the most extraordinary blockade ever imagined. It was stated, by diplomatic authority at Monte Video, that it was a political and not a commercial blockade. Now, what that meant he would leave entirely to their Lordships, for it had always been beyond his comprehension. He could never understand why a measure intended to cripple the trade, and injure the resources of General Rosas—why a measure intended to be a means of coercion against a refractory Government, was to be all at once deflected from its original purpose, and made to become, against all precedent and all public law, a means of bolstering up the decaying finances of Monte Video. In order, however, to carry out this idea, it was arranged that all vessels willing to pay a certain sum for the support of the custom-house at Monte Video, which maintained a bevy of foreign speculators, should be allowed to proceed to Buenos Ayres. That was, "blackmail" (for he could use no more appropriate word) was to be exacted from English vessels belonging to English merchants, to enrich a company of loan-mongers who devoured the resources of the State, and battened upon its miseries and misfortunes. The garrison of the town at the time was almost entirely composed of Frenchmen and Italians, although there were also a few manumitted slaves; and it was commanded by a person to whom he was glad to be able to pay this tribute—that he stood a disinterested individual among those who only sought their own personal advantage—he meant a person of great courage and military skill, who had a great claim upon their sympathies, considering the unjustifiable intervention of the French, and the recent extraordinary and unnatural events that had taken place in Italy. He alluded to General Garibaldi. But since the blockade had been abandoned, our trade was gradually regaining its former healthy state, and was now in a satisfactory condition. And this fact was attested even by what appeared every month in the newspapers, almost all of which, were in the pay of the Monte Videan contractors. On one sheet, containing the political article, were to be found the most violent and unscrupulous diatribes against the policy of the English Government, whilst on the very next sheet, in the money market article, were to be found the most ample accounts of the revival of trade. With regard to the independence of Monte Video, an error very widely spread, and, he admitted, very honestly believed, though not so honestly circulated, prevailed on this subject. It was said that in the negotiations of 1828, at Rio Janeiro, between the United Provinces of La Plata, and England, and Brazil, that England was a party to guarantee the independence of Monte Video. Now it happened that the fact was precisely the reverse of this. The Argentine Plenipotentiary, General Guido, wrote a letter during the negotiations, categorically asking Lord Ponsonby if he would guarantee the independence of that State; and Lord Ponsonby stated as categorically that he was not authorised by his Government to enter into any such guarantee. But knowing as he did the exaggerations in which the organs of the Monte Videan contractors so unscrupulously dealt, he wished to say that his own opinion was, broadly and decidedly—and he was glad of an opportunity of declaring it in the most public manner—that it ought to be the undeviating policy of England to maintain the independence of the Banda Oriental, and not allow a country so unequalled in extent, climate, and fertility, to be annexed to any Government, whatever it might be. He heard with satisfaction from the noble Marquess the President of the Council, that there was a chance of a favourable termination of this much-vexed question. He (Lord Howden) had never for one moment abandoned his belief in the possibility of Great Britain making a convention with General Rosas. His noble Friend, who was best able to judge of the general policy of the Government, said that the negotiations now going on were likely to lead to a favourable issue; but he (Lord Howden) must be allowed to say—merely as a private Member of their Lordships' House, and, without at all compromising the Government, or wishing to say anything disrespectful to France, the advantage of whose alliance he prized as much as any one—that he believed the objects, the interests, and the necessities of this country were so idiosyncratic, and, from the complication of its internal interests, so peculiar to itself, that it was with a feeling of regret that he saw us embarking in company with other nations in political voyages which he was convinced we could effect much faster, and with far more safety, if we prosecuted them alone. He had also a word which he must say about General Rosas, against whom he knew there was a very great feeling in this country, from the stories that had been circulated with regard to him; but with which, whether true or false, we had no concern. Wherever he (Lord Howden) had the honour of being employed by Her Majesty's Government, he should always look at persons and things just in the relation in which they stood to the honour and interests of this country. He cared nothing of General Rosas's general administration, or his alleged private delinquencies. If he was a tyrant, let the people immediately concerned get rid of him or retain him, as they thought fit; but what he (Lord Howden) knew was of more consequence, and it was this — that in whatever way General Rosas treated his own fellow-citizens, foreigners were invariably protected by him, even when they were attacking him in his own territories; and he believed that there were few men more convinced that it was to his interest to maintain a good and advantageous connexion with this country, than was General Rosas; and nobody was more willing than that individual to preserve such an understanding with Great Britain. The interests of England and France in the Plate, in many important respects, did not concur; all that England wanted for her trade was —all that the trade of England ever did want—that it should be allowed to flow quietly and uninterruptedly in the channel that it had scooped out for itself. The trade of France, on the other hand, was very inconsiderable, and she was endeavouring to extend her dominions, as well as her trade, by means which would certainly be resisted. There was no real cause for dissension between us and Buenos Ayres; but there was one feeling always fermenting in the Governments of South America which deserved some attention, and that was, a deep-seated hatred of the intermeddling of transatlantic Powers; and General Rosas, not unnaturally, experienced this feeling. The noble Marquess (the President of the Council), in 1824, was the first to move in that House that the States of South America should be formally recognised by this country; and he would ask the noble Marquess what sort of independence that was when these States were constantly exposed to the action of coercive measures which no Minister would ever dream of applying to the most insignificant Governments of the Old World? He (Lord Howden) believed that whilst it was our best policy to leave all other countries to manage their own affairs without our interference, it was especially so when the people in question were a people of Spanish origin, possessed of an innate and hereditary hatred of foreign interference; to which was added the jealousy of newly-acquired independence, and all the weakness arising from social disorganisation and the precarious tenure of power. He wished further to say—and he only said it because it had been somewhat pertinaciously doubted—that he had received the highest approbation from Her Majesty's Government for every part of his conduct in connexion with this question—and he thanked their Lordships for the attention they had given to a statement which he could not conceal from himself was made under circumstances of irregularity.

The Earl of HARROWBY, who was very imperfectly heard, said, if he understood the noble Lord, the armistice which he proposed had been accepted by General Oribe, and rejected by the Government of Monte Video; but he would ask the noble Lord whether the armistice at first proposed by himself and the French Minister did not contain a stipulation that the town of Monte Video should be opened to the country during the armistice; and whether Oribe had not objected to that condition, and the noble Lord in consequence had withdrawn it? He would further ask the noble Lord whether it was not in consequence of the rejection of that stipulation by Oribe, that the armistice sought to be imposed without it was rejected by the Monte Videans?

Lord HOWDEN was understood to say it had not been withdrawn.

The Earl of HARROWBY certainly understood that the terms of the armistice proposed by the noble Lord had been modified to suit the convenience of the besieging general; indeed, he had seen in print the conditions of the armistice as originally proposed—to which Monte Video made no objection. Under these circumstances, he (the Earl of Harrowby) did not think the statement of the noble Lord that the armistice proposed by him had been accepted by Oribe, but rejected by the Monte Videans, was quite a fair one; and yet upon the armistice thus modified by Oribe in a most material and essential point, not being immediately acceded to by the Government of Monte Video, his Lordship immediately sailed away, and, without notice to the Monte Videan Government, or communication with them or with his French colleague, raised the blockade of Buenos Ayres, thus throwing all the weight of England into the scale of that party which had rejected all our overtures, and effectually ruining the party whom we came and were bound to protect. Reference had been made to the individuals who advanced the loan upon the security of the custom-house at Monte Video, and they had been termed loan-mongers; but the fact was, they were British and French merchants of high character, who had come forward to advance money to the Government of Monte Video very much against their wishes, but at the urgent instance of the Ministers of their respective Governments, for a public object. In fact, these parties had been sacrified to their reliance upon the faith of their own Governments. With respect to the independence of Monte Video, it was certainly too much to say that England had guaranteed it; but that State had been created under British mediation, and we had the deepest interest in its independent existence. He was glad to see that the noble Lord fully admitted that principle, and seemed to be fully aware both of the importance of the resources of the River Plate and its adjacent countries; and that there could be no security that these resources would be fully developed if these waters fell under the sole control of one Power. He hoped that he might accept these expressions of the noble Lord as an indication of the principles which would guide the Government in the pending negotiations.

The Earl of ABERDEEN wished to make a very few observations upon the state of this question as it existed at present, without going back to former negotiations. Perhaps not unnaturally, the noble Lord opposite had wished to enter into a statement of the cause of the failure of his negotiation; but they must recollect that others had failed before him, and had failed since, employed in the same manner. Whether we were now to arrive at a successful termination or not, remained to be seen. He was most happy to hear that the noble Marquess felt himself justified in expressing himself with the confidence he had done upon this subject. At the same time, he (the Earl of Aberdeen) agreed very much with the noble Lord who spoke last, that the probability of success depended very much upon whether the questions to be resolved related to anything that was to take place between this country and France, or to anything still to take place between this country and Buenos Ayres. If the project of the settlement which had been sent to this country required to be considered by England and France, with a view to coming to an agreement, he felt confident — at least, very sanguine — that such would be the case; and the noble Marquess might be well founded in auguring such a result. But if, after England and France had come to such an agreement, that proposition was to be sent back to Buenos Ayres, he confessed his expectations would fall very much short of what he could wish. The whole matter, as far as the interest of this country was in question, rested entirely on the independence of the Oriental Republic being secured; and if that were the only object, whether General Oribe, or General Ribeira, or General Garibaldi, if the noble Lord behind him liked it, were in possession, was a matter of perfect indifference to us, provided the independence of that State was secured. Now, the noble Marquess said, that the foundation, the basis, and, indeed, the substance, of the settlement which he expected to take place was that which he (the Earl of Aberdeen) sent out in May, 1846, which was commonly called the Hood basis. To any modifications of that he did not object the least in the world, provided the substance of that proposition was maintained; and in proportion as they adhered to that proposition, he ventured to say, they would adhere to the principles of justice. But those modifications might alter the character of the proceeding: for instance, he said the independence of the Oriental State was all they wished; but if General Rosas should think fit, instead of according to the Hood basis, and withdrawing his army from the Oriental State, should wish his army to remain in possession of it, he (the Earl of Aberdeen) should not call that a modification, but the entire destruction of that agreement; and he, therefore, could only hope that Her Majesty's Government would take care that in the modifications which they assented to they should go no further than was compatible with the independent existence of the Oriental State. The noble Lord opposite had explained, and most truly, that this country was not bound to guarantee the independence of Monte Video. Certainly not; but the creation of that State took place under the mediation of this country. He (the Earl of Aberdeen) was at the Foreign Office in 1828, when that State was created, and he knew that Lord Ponsonby acted on his instructions upon that occasion. No doubt there was no formal guarantee, but that would give an interest in the future independence of that State; and from recent transactions we were bound, in honour and in common justice, to see that that State did remain independent. That was all he had to express a wish about; and if when the noble Marquess announced the settlement of this question he should also announce that that State remained independent, he (the Earl of Aberdeen) should think that the Hood basis had been quite sufficiently fulfilled.

Lord BEAUMONT wished to explain an expression which he had used on a former occasion, and which he understood had given pain elsewhere, and to which the noble Lord on the cross benches had that evening alluded. Certainly, on a former occasion, in speaking of the question of the custom-house at Monte Video, he did describe the persons who had raised that loan as mere jobbers. He described them in a somewhat similar tone to that used by his noble Friend that evening. Since then he had had the opportunity of ascertaining who those gentlemen were: he had communicated with some of them; and he now felt satisfied that the persons who came forward were all respectable firms, and that their object was not so much their own pecuniary interest with regard to the custom-house as to keep the Monte Videan Government going—not so much from an extreme over-patriotic love of the Government (and he saw no reason for any) — but that, whilst it was kept going, they might get in their outstanding debts. What he wished to say, therefore, was, that he believed, in what they had done, they had done nothing discreditable to themselves, and that they were most respectable and honourable men. He hoped that this was the last time this subject would come before their Lordships. For want of a better word he must characterise the commencement of these proceedings as extremely disgraceful. The commencement was not honourable to us, and the negotiations had been marked by an unexampled want of success.

Subject at an end.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 10, 1849.

MINUTES.] PUBLIC BILLS.—1° Lunatic Asylums (Ireland); Labouring Poor Act Amendment (Ireland); Land Improvement Amendment Act (Ireland); Stamp, &c. Allowances.

2° Inland Posts (Colonies); Royal Pavilion (Brighton).

Reported.—Poor Relief (Cities and Boroughs); Boroughs Relief; Trustees Relief; Municipal Corporations (Ireland).

PETITIONS PRESENTED. By Mr. Divett, from Exeter, for Universal Suffrage.—By Sir Hedworth Williamson, from Sunderland, for the Bankrupt Law Consolidation Bill.—By Mr. G. Thompson, from John James Bezer, for Inquiry respecting the Death of his Child.—By Mr. Philip Miles, from William Henry Lassalle, of Bristol, for Inquiry respecting his Invention of an improved Life Boat, &c.—By Mr. M. Wilson, from the Clitheroe Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Robartes, from Wadebridge, for the Protection of Women Bill.—By Mr. Cowan, from Edinburgh, for an Alteration of the Railways Abandonment Bill.—By Admiral Dundas, from Greenwich, against the Sale and Manufacture of Bread Bill.

JUVENILE OFFENDERS BILL.

MR. M. MILNES rose, pursuant to notice, for the purpose of calling the attention of the House to the treatment and condition of juvenile offenders in this country. He observed, that as he had given his notice a considerable time ago, he should now content himself with making a few remarks upon the subject of juvenile offenders, although he might be compelled to proceed no further in the matter during the present Session of Parliament. He was the more induced to trouble the House with a few observations on the present occasion, inasmuch as he wished to impress on the Home Secretary, and on hon. Members generally, the great importance of the matter for which he desired to solicit their consideration. Amongst the various subjects which did and ought to occupy the time of the Legislature in this country, there was no one of the social questions more interesting to the philanthropist than the discipline and reformation of juvenile offenders. There was not one man in the country who gave the least attention to subjects of that class who would not be ready to admit that here prevailed a great and crying abuse. It would be impossible for any one to visit the prisons of England without feeling that the juvenile offenders confined in them did not receive the attention which their cases deserved. Whether the question were placed on the highest or the lowest ground, there could not be a shadow of doubt respecting its importance in a moral and social point of view. When conviction took place, what was the condition of the young criminal? It was one of the utmost danger to himself and of great injury to society. He wished the House particularly to bear in mind, that in legislating on such a subject they were not dealing with any difficult or complicated question. It was a single crime, and one committed by a single class of persons. The crime was, petty larceny; the criminals, the children of poor. Now, when an offender of that class was sent to prison, he generally found there better shelter and better food than he had previously been accustomed to, as well as companions of his own age—companions more agreeable, though more dangerous, than those with whom he had previously associated. When even the boy from Parkhurst was thrown upon the world, he was too frequently unfitted for independent action, and destitute of the ability to serve his country as an honest and independent citizen. It was not surprising that such should be the case, as all that was done at Parkhurst was chiefly calculated to give the boy a strong impression of punishment, instead of improving his heart or awakening his conscience. He would press upon the Government the necessity of establishing some such asylum for the criminal youth of Great Britain as that of the Philanthrophic Institution, which, under the able guidance of Mr. Sidney Turner, had been made to equal the Mettray of France. He believed, that upon a rough calculation 70,000 or 80,000 persons came under the notice of the law in the metropolis and surrounding districts, and at least a seventh part of them were persons under thirteen years of age. He contended, that the process pursued in this country with juvenile offenders was not a curative process; and, further, he thought it would be a great improvement if juvenile offenders were immediately after conviction subjected to corporeal punishment, which should be inflicted by the constable of the district with the least possible delay; that for the second offence they should be sentenced to two or three years' imprisonment, and sent to a reforming establishment; and that for the third offence they should be sent to a similar establishment for five or six years, where they would be subjected to constant and severe labour—not without moral superintendence, but still to constant and severe labour—to real, stringent, continuous labour, but still, as he said, not without a reformatory purpose and process. Every one acquainted with the state of our population well knew that it was for want of education and fair superintendence that the children of the poor were what they were. As to the power of retaining those children in custody after the term of their sentences expired, that was a matter which the Secretary of State had now altogether in his own hands. He regretted to observe, that the Bill which had been introduced at the instance of Miss Murray—a lady whom he might place on a par with Mrs. Fry—had never been carried into practical operation; there was every reason to apprehend that the evils springing out of juvenile delinquency would, if neglected, reach to a very formidable extent; and he hoped that the Government would take these subjects into consideration in connexion with plans of colonisation, thus giving reformed criminals a chance of beginning life anew. Having said so much, he should now leave the whole matter in the hands of Her Majesty's Government, trusting that they would turn their attention to it during the ensuing vacation; and when Parliament met again he hoped that Ministers would be prepared to make a step in the right direction. If his right hon. Friend neglected to do so, he at all events would not abandon the matter. The hon. Member concluded by moving for leave to bring in a Bill to amend the law relating to juvenile offenders.

Sir G. GREY said, that he should rather be disposed to accede at once to the Motion, if he believed that his hon. Friend had really a Bill in his possession. Everything in these matters depended, not on the expression of benevolent sentiments, in which he was quite sure that the House went along with his hon. Friend, but on the legal provisions which were necessary, and, at the same time, practicable, to give effect to those benevolent intentions. He agreed with his hon. Friend in much that that he had stated. He believed that much might be done with juvenile offenders, and he considered it to be the duty of the Government to keep in view the reformation of this class of offenders in a much greater degree than they were at liberty to do with criminals of a more advanced age. The two elements of punishment which ought to be kept constantly in view were the element which, by its deterring effect, repressed the commission of crime, and that which led to the reformation of those who were under punishment. It required a very nice hand to adjust the balance between those two principles; but he admitted that it was easier to apply the latter in the case of juvenile offenders. His hon. Friend seemed to think that Parkhurst was a penal school, rather than a prison, and he was very glad to say that the chaplain and the schoolmaster were entitled to every commendation that might be bestowed upon them. At the same time it was necessary to bear in mind the penal character of Parkhurst, and that it was not a school, but a prison, to which boys under sixteen, who had committed offences which subjected them to transportation, were sent, frequently at the recommendation of the Judge who tried them, or the chairman of quarter-sessions. If their conduct, while at Parkhurst, was good, they might be sent to some colony, where they might begin life anew. If his hon. Friend had not seen Parkhurst, he should advise him to go there, for he understood that the combination of the two elements of penal discipline there had fully answered the end which Parliament had in view. His hon. Friend had also referred to the Philanthropic Institution, in the eulogium bestowed upon which he entirely concurred. Too much could not be said in praise of Mr. Turner, the excellent secretary of that institution. He believed that the effects produced by the training received there were of a most salutary kind. But really the chief evil to which his hon. Friend had adverted, he had not stated expressly in terms—and that was the evil of short imprisonments, by which offenders of tender years were frequently brought into contact with criminals of a more advanced age and more hardened character, and came out of prison tutored in crime, and much worse than they went in, the shortness of the imprisonment not allowing of any effectual means of reformation. His hon. Friend had referred to the Act brought in by the Member for Droitwich, giving magistrates the power of summarily convicting children under fourteen years of age; and he was happy to state that the Act had worked well; that the recommittals under it in the metropolitan districts had been very few; and that the punishment of whipping had fully answered the object which was intended. He was willing to assure his hon. Friend that his attention would be directed to this subject, and that if any fresh powers could be obtained which would enable the Government to deal with it more satisfactorily, he should not fail to ask for them. He must protest, however, against his hon. Friend's assumption that the path of legislation on this subject was clear and easy. In the memorial presented by the Philanthropic Society, they admitted that the subject was really a very difficult one. One of their most valuable suggestions was that the parents of children should be made liable for their support while they were inmates of these reformatory institutions, or houses of detention. This was a very valuable principle; but, at the same time, there were many difficulties in the way of its application, as parishes might be led into a good deal of litigation. He owned, however, that it was desirable that parents who neglected their children should be made responsible in a pecuniary sense for offences which, in a great measure, had been occasioned by their neglect. His hon. Friend had adverted to the Act of 1840, which, he believed, had remained a perfectly dead letter on the Statute-book, because that Act did not give any power to the Government, but to the Court of Chancery, and he was afraid that the machinery of that court was not suited to the purpose. He believed no case had occurred in which that Act had been made available. He could assure his hon. Friend that he should be most willing to receive any suggestions on this subject; keeping in view the principle that crime required punishment, and that those who had been guilty of offences against the law ought not to be better treated than those who had not.

MR. BANKES said, one of the first things to be considered in discussing this matter, was the separation of juvenile offenders, after their committal, from more hardened offenders. He had received a communication with respect to that subject from Dorchester, which he wished to lay before the House. It appeared that no less than fifteen prisoners, sentenced to transportation since the last July assizes, were still detained in the gaol of that place, and although a correspondence had been entered into with the Home Secretary's Office, nothing of a satisfactory answer had been received. The county had proposed to add eighty new cells to the gaol, for which they could afford an expense of about 3,000*l.*; but this had been objected to, because the official prison inspector had recommended certain warming and ventilating propositions, which could not be carried out under a cost of 10,000*l.*, to which the magistrates of the county had declined acceding. Meantime the prison accommodation which they thought they could afford was denied them, and the consequence was that that crowded state of the gaol ensued which was allowed on all hands to be so objectionable. He trusted the attention of the Secretary of State would be directed to such a state of things; and, in conclusion, he had to express his satisfaction that his hon. Friend had brought forward his present Motion.

SIR G. GREY hoped he might be allowed to say that he was ignorant of the facts just now stated to him by the hon. Member for Dorsetshire, but he would cause inquiry to be made into them.

SIR J. PAKINGTON expressed his regret that this question had been brought on at this late period of the Session, and with the object expressed by the hon. Member for Pontefract. He was rather surprised that the hon. Gentleman had concluded with a Motion for leave to introduce a Bill, as he expected the hon. Gentleman intended to move the appointment of a Committee on the subject. When the right hon. Gentleman the Secretary of State for the Home Department came into office he had some conversation with him on this subject, and he certainly had been in hope that the right hon. Baronet would ere this have introduced a Bill to authorise the construction of an establishment for the reformation of juvenile offenders. He did not know whether his right hon. Friend was aware that the lady already referred to, Miss Murray, had suggested that the old prison at Dartmoor might be applied to this purpose. He would suggest that it might be advisable next Session to have a Committee appointed to investigate the whole of this intricate subject.

MR. HENLEY expressed a hope that the hon. Member for Pontefract, in addition to the valuable speech with which he had favoured the House, would go one step further, and bring forward the Bill of which he had given notice. He would render a most valuable service to the House by so doing, because, although the Bill could not pass into a law this year, it would be a useful contribution to the fund of knowledge on this subject. Many Members were not able to see their way in this matter, and they would be very thankful for any information which could be imparted to them. No opposition was offered to the Motion, and therefore he trusted that they would soon have the advantage of seeing the Bill printed.

MR. M. MILNES would follow the advice of the hon. Gentleman opposite, and lay his Bill on the table some day before the House separated. The only reason that prevented him from doing so earlier was, that he thought he should get an assurance from his right hon. Friend the Home Secretary that he would bring forward a measure on the subject himself either this Session or the next. He knew how difficult it was for individual Members to grapple with a question of this kind, and how much more desirable it was that it should be taken up by the Government. At the same time he would do his best to prepare the Bill and bring it under the consideration of the House.

Leave given.

Bill ordered to be brought in by Mr. M. Milnes and Mr. Headlam.

CHURCH OF IRELAND.

Mr. B. OSBORNE said, he felt the difficult position in which an independent Member of Parliament was placed who brought a subject of this nature before the House; but, although he regretted that they were deprived of the presence of an hon. Gentleman who had most ably brought the question under discussion on several former occasions, he thought that he (Mr. Osborne) could not be charged with any undue haste or presumption in now calling the attention of the House to this important subject. He had imagined, when the present Ministers came into office, that some one of those old and tried champions of civil and religious liberty—some one of those who formerly, taking this question at the flood, floated on with it to popularity and power—would have taken up the question, and would have endeavoured to effect some permanent settlement. He regretted to say that the tide had ebbed. Whether it was, that when Gentlemen were on the Opposition benches the aspect of Irish grievances seemed more rank and offensive, or that the Irish representatives as a body, were indifferent on the subject, he knew not; but the result was, that the question of the Irish Church, which was formerly the slogan of the present Ministerial Opposition—which was formerly the gathering war-cry of the Whigs—had, for the last few years, been entirely laid aside, and that instrument upon which so many harmonious notes had been struck to call the Whig supporters together, was now, like the fabulous harp of Tara, hanging up, mute, and remained unstrung. It would not, however, be his fault if, on the present occasion, he did not awake the memory of the Ministers and of the country to the position of this question. He thought, that however hon. Gentlemen might differ upon this subject, they would not deny that it was one of the very gravest consideration. He conceived that a system under which the whole ecclesiastical revenues of Ireland were devoted to the spiritual education of one-tenth of the population, that one-tenth being the rich Protestant minority, and under which the ministers of another tenth of the population were supported by the *Regium Donum*, the religion of the great majority being alone ignored, was worthy of the grave and attentive consideration of the House; and he believed that if they had to commence legislation on this subject *de novo*, they would not be disposed to apply the funds provided by the ancestors of the poor Catholic majority to the exclusive advantage of the rich Protestant minority. The question which he was about to enter upon was of the utmost consequence. Here was the opinion of the Irish Church given by a great Conservative statesman, whose words, he was sure, would be listened to with every respect:—

> "You have an ecclesiastical establishment, which, though the religion of the Prince and most of the first class of landed proprietors, is not the religion of the major part of the people, consequently does not answer to them any one purpose of a religious establishment. Many a fierce struggle has passed between the parties; the result is you cannot make the people Protestants, and they cannot shake off the Protestant establishment."

That was the language of Mr. Burke in 1796; and let him ask hon. Gentlemen who dissented from that view how stood the case in 1849? It was true they had corrected some flagrant abuses; but the main evil still existed, and was still thriving, so that a statesman whom he thought greater than Burke—certainly a writer quite as eloquent—Mr. Macaulay, whose absence from that House every one must regret, had recorded in his *History of England* his astonishment that the most absurd ecclesiastical establishment in the civilised world should remain a scandal to this country. He (Mr. Osborne) could not conceive a more effectual mode of disuniting from this country the affections of the Roman Catholics of Ireland, of reminding them that they held a separate religion, that they once had a separate Legislature, and that they were a separate race, than the maintenance of the Protestant Church in its present position in that country. It was true that, if a change in the appropriation of the Irish Church revenues were adopted, hon. Gentlemen opposite might say—

> ——" Fuimus Troës, fuit Ilium, et ingens
> " Gloria Teucrûm ;"

but it was equally true that the Irish Roman Catholics could now exclaim—

> ——" Ferus omnia Jupiter Argos
> " Transtulit."

So long as they maintained the Irish Church in its present position, so long would they have an agitation for the repeal of the Union. Many hon. Gentlemen would recollect that in July, 1846, his hon. Friend the Member for Finsbury inquired of the noble Lord the First Minister of State, on what principles his Government would be conducted? The noble Lord was very much astonished at such a question; and with some tartness he replied, "upon the opinions he had always professed, and the principles he had always acted on." Well, many thought that answer was more curt than explanatory; others, however, thought that the noble Lord had only to get his feet firm in the stirrups to settle this much-vexed question; and any doubts which he (Mr. Osborne) entertained on that point were dispelled when he saw the construction of the noble Lord's Cabinet. He found that it was composed of Gentlemen who, from 1823 down to 1845, had expressed their belief that the Irish Church was the root of all the discontent in Ireland, and who had supported that opinion by their votes. The noble Lord had now been three years in office, but he had maintained a most remarkable silence on this point. In 1823 the question of the temporalities of the Irish Church was first raised by that pioneer of all modern improvements, the hon. Member for Montrose, who had lived to see those schemes which had been looked upon as the speculations of political empiricism carried out by the leaders of both political parties, and who had pursued the even tenor of his way to the present time. He (Mr. Osborne) felt bound to say, that most of the facts he intended to lay before the House, and which had formerly been submitted to them by Mr. Ward, the present Governor of the Ionian Islands, had been derived from the earlier speeches of the hon. Member for Montrose in 1823 and 1824. In 1823, the hon. Gentleman's Motion on this subject was supported by three Members of the present Cabinet—the noble Lord at the head of the Government, the President of the Board of Control, and Earl Fortescue. The hon. Gentleman continued to bring the subject before the House for several years, and was constantly supported by Members of the present Government, until 1838, when Earl Spencer (then Lord Althorp) brought in a Bill to amend the laws relating to the Irish Church, to abolish vestry cess, and to reduce the number of bishops; but the main principle of that Bill was the Appropriation Clause, which had in an evil hour been abandoned. A most remarkable debate ensued. The right hon. Member for Dungarvan moved an Amendment on the preamble, and made a speech which he thought ought never to be forgotten in that House. They might judge what was the character of the discussion, when he informed them that Dr. Lushington rose in the middle of the debate, and said he had never listened to a debate in which the decency of Parliamentary language, and the courtesy of private life, had been so much outraged. The Appropriation Clause was given up; but in 1834 Mr. Ward conjured up the old shade of appropriation, which broke upon the noble Lord's Cabinet like Banquo's ghost at the feast of Macbeth. That Cabinet, however, was patched up again; and on March 30, 1835, the noble Lord at the head of the Government brought in a Motion on the Irish Church, in the course of which he said*—

> "There was a solemn compact between the Parliament of the United Kingdom and the people, given by the King, received by the Commons, and approved by the Lords. The state of Ireland has long been, and now is, a source of great embarrassment to every statesman of this country; there is no doubt that the moral as well as physical condition of the people is one of great degradation. The question I have to consider is their moral condition, and how far the Church Establishment in Ireland bears on that condition. You are not to tell us that you cannot listen to the well-founded grievances of Ireland, and are not prepared to do her justice, and yet insist on an adherence to the Legislative Union."

That was strong language coming from the First Minister of the day; and accordingly the House passed upon that occasion an Appropriation Clause. In 1843, Mr. Smith O'Brien, who, however the House might blame him for his rashness, would at least be admitted to have been an honest Member of Parliament, brought forward a Motion to inquire into the causes of Irish discontent; and he found that upon that occasion the right hon. Gentleman the Chancellor of the Exchequer (who he was sorry to see was not in his place)—the

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* See Hansard (Third Series), Vol. xxvii., pp. 362-63.

Chancellor of the Exchequer, then Mr. Wood, and sitting opposite, made use of these words—and he trusted the right hon. Gentleman the President of the Board of Trade would take them down, in order that he might tell his right hon. Friend what his sentiments had been in 1843. Well, the Chancellor of the Exchequer upon that occasion said *—

> "The evils of Ireland are undisputed, and of great magnitude. Amongst the first was the state of the Church. He did not advocate Roman Catholic supremacy, but if he placed himself in the situation of the Roman Catholics of Ireland, he should find little difficulty in coming to similar conclusions which they had arrived at. They might look through all the countries of Europe—they would find in none of them was such an establishment maintained for the benefit of a small minority of the population. It was not for hon. Members on his (the Opposition) side to propose a remedy; it was the duty of the Government, as responsible parties, to originate a remedy for the evils complained of. The sound principle had been laid down—it was for Ministers, not for Members of an Opposition, to propose measures and provide a remedy for the evil."

He (Mr. Osborne), however, should go further than the right hon. Gentleman, and should endeavour to propose a remedy, and a remedy, too, to which the right hon. Gentleman had already assented. Well, then the right hon. Gentleman the Secretary for Ireland got up and made, for him, upon that occasion, a most animated speech. [*A laugh.*] He did not say that invidiously; but the right hon. Gentleman was highly excited. He said †—

> "Another great grievance of Ireland was the Established Church of the minority. He had heard it said that the Government would not reopen that question. He would ask the conservative and Christian gentlemen of England, if they were in the situation of the Irish, would they submit to it? Would they not resent it? They would."

He appealed to the right hon. Gentleman now as "a conservative and Christian gentleman"—would he resent that injury? He found that the right hon. Gentleman the Member for Ripon also admitted the propriety of discussion; for he admitted that it was a most important subject, and that it was at the bottom of all their difficulties. Lord Howick, now Earl Grey, the brother-in-law of the Chancellor of the Exchequer, said ‡—

> "If they meant to have peace in Ireland, they must reform the Established Church—they must deal with the question of the property of the Protestant Church in Ireland."

Earl Grey had been very silent upon that question since he had joined the Government. The noble Lord now at the head of the Government also spoke out upon that subject. He said §—

> "With regard to the Irish Church, I am not now called upon to propose a plan; in my position (as Member of the Opposition) it would not be my place to do so. But any plan I should propose would be to follow the principle of equality with all its consequences."

Upon that occasion seven Cabinet Ministers voted for the Motion. He need not allude to all the Lords of the Admiralty and Secretaries for the Treasury; of course they all voted as one man. But he found that in 1844, so afraid was the noble Lord of the question being taken out of his hands by Mr. Smith O'Brien, that he moved for a Committee to inquire into the state of Ireland, and thereupon, again, a most remarkable debate ensued. The noble Lord said—

> "When the Ministers of the Crown, now in office, shrink from the responsibility of maintaining the doctrines which they maintained when in Opposition, and of hazarding the peace of Ireland by a most flagrant violation of Parliamentary faith, I have no confidence to wait for other measures. With regard to the Irish Church, the system which I should be disposed to adopt would be one which should put the Established Church, as regards Roman Catholics and Protestants, on a footing of perfect equality."

He thought the House would say that that was pretty strong language; but what would they think of this? He had positively rubbed his eyes when he saw it. Here was the opinion of the right hon. Gentleman the Secretary of State for the Home Department; and it was the last quotation he should make from the speeches of Cabinet Ministers, because it was a climax. The right hon. Gentleman said—

> "It is impossible for any one who knows the feelings of human nature to suppose that the Irish people can look upon the present state of the ecclesiastical system in Ireland without the deepest dissatisfaction. It is not a mere question of money—it is one which concerns the feelings of a people. Though the question be beset with difficulty, I deny it to be a difficulty sufficient to deter a Minister of the Crown from dealing with it. On this subject I certainly entertain very strong feelings. This, I will say, nothing appears to me worse, nothing more hazardous, than for Parliament to declare they will not entertain the question of the Irish Church because it is beset with difficulties. The Union must be maintained, but a complete union never could be effected so long as the Established and Endowed Church of the minority exclusively existed."

Now, what did the House think of that? That was in 1844. The whole of the Cabinet voted for that Motion of the noble Lord's, and all the present race of Lords of the Treasury, and people of that class. But in the year 1845, Mr. Ward moved a very remarkable Amendment to the Motion of the right hon. Baronet the Member for Tamworth, on the question of Maynooth, to the effect that all the funds for the sustentation of Maynooth should be taken out of those devoted to ecclesiastical purposes in Ireland. Mr. Ward was in a very large minority upon that occasion, in which he was joined by the noble Lord at the head of the Government, the right hon. Gentleman the Secretary for the Home Department, and the rest of the Government. That was the last occasion on which the question of the Irish Church had been mentioned in that House. Of late the "oracles had been dumb." Coming events were said to cast their shadows before, and the hon. Gentleman the Member for Roscommon gave him an inkling of what was to be expected when he got up the other night, and denied that another hon. Gentleman represented the feelings or wishes of the Roman Catholics of Ireland on the subject of the Irish Church. But the hon. Member for Roscommon had never but on one occasion during his long Parliamentary career of twenty years given but one vote upon the subject of the Irish Church; and yet he would have the House and the people of Ireland believe that he took great interest in this question. The fact was, that the hon. Gentleman took no interest in it at all; and he believed that his name was too intimately connected with certain high dignitaries of the Church to allow him to support what would be to them so suicidal a measure. The hon Gentleman attempted to play the old stale game, and to persuade them that this was not the proper time for the present Motion; but he would answer the hon. Gentleman by an extract from a speech of the right hon. Gentleman the Member for Dungarvan, made in 1833. The Master of the Mint, then Mr. Sheil, in reply to a similar objection, said—

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* See Hansard (Third Series), Vol. lxx. pp. 716-17.

† Ib. pp. 871-72. ‡ Pp. 886-87. § P. 1008.

> "But it has been urged this is not the proper time. Not the time? When is it to arrive? Before the reformed Parliament it was not the time until Parliament was reformed; here is the reformed Parliament, and the time has not come. When will it? When the Whigs are in opposition? Are we to wait until their official convenience tallies with the rights of Ireland? We shall have to wait long indeed."

He really regretted that the hon. Member for Roscommon was not present to hear that answer to his stale pretence that this was not the proper time—a pretence which always had existed, and always would exist, so long as we had subservient Parliaments and an indifferent Government. He hoped whatever course the Government might adopt with regard to this Motion, that they would not, at all events, take the course recently adopted by the right hon. Gentleman, who thought that this was a question of the "deepest moment," and move the previous question. People out of doors were extremely puzzled to make out what that "previous question" meant. If they wanted a title for the present Session, he should say they might christen it the Session of previous questions—for never, in all the annals of Parliament had that Motion been so frequently made. Ignorant, however, as people out of doors might be, those within that House knew very well that the previous question was nothing more than a Parliamentary sleight of hand to cut the acquaintance of old friends who had been useful in opposition, but who might bring discredit on the party when they succeeded to power. He had now given a brief and imperfect sketch of the birth, parentage, and abandonment of the Irish Church question; and if he had attempted its resurrection, he had done so because, in the words of the right hon. Baronet at the head of the Home Department, he did not think it a mere question of money alone, although he would have the financial reformers of England to look about them, and to recollect when the taxgatherers called at their doors, a considerable portion of their money went to sustain the army in Ireland necessary to the support of the Irish Church. He had revived this question because he thought it was an imperial as well as an Irish question, because he felt confident, whatever measures they might pass, however beneficial they might be, however they might deal with the land or the law, that so long as they left the Irish Church as it was at present, so long would Ireland be, not merely the difficulty of the Minister, but the embarrassment of the empire—so long would the noble Lord be justified in going down to that House and telling them, as he had done in 1844, that Ireland was "occupied and not governed"—so long Ireland would be occupied and not governed by whatever Minister presided in this country, and so long would Ireland remain, in the graphic words of the hon. Member for Buckinghamshire, in a state of "social decomposition." It was impossible, however, to judge of the present state of Ireland correctly without reference to its past history. He knew there were some enthusiasts who, adopting the views of Archbishop Usher, asserted that Ireland never was really Roman Catholic—that St. Patrick never was a Roman Catholic bishop, but a regular orthodox divine of the evangelical school. Be that as it might, however, there could be no doubt that St. Patrick was educated at Rome, that he assumed the name of Patricius, and that he was sent to Ireland by Pope Celestine. No doubt a schism between the Irish Church and Rome did occur as to the computation of Easter, but the Irish Church submitted, and was reconciled to Rome in 1152. The Reformation in Ireland was endeavoured to be forced on the people; but the principal object seemed to be to appropriate the revenues of the Church to other purposes. In that day Cromer, the Archbishop of Armagh, who was himself an Englishman, denounced the proceedings that then took place. The Protestant Dr. Leland, the historian, represents that the greatest injustice was then inflicted on the people in connexion with the Irish Church. It would be acknowledged that the reformers had failed, and that the history of the Church in Ireland had been written in blood; for Elizabeth, though a very good Puseyite in this country, was a persecuting Presbyterian there. In 1635, when Lord Strafford's acts were questioned, that nobleman stated in his apology that they had not been undertaken alone for the increase of revenue, but also most especially for the advantage of Protestantism. In 1635, however, English troops, the army of occupation of that day, were not a very great expense upon this country, because they were maintained by fines levied on Roman Catholics who did not attend the Protestant church—and one of the "graces" that was sought for was to be allowed to absent themselves from the Protestant church without being fined. It was well known that that excellent person, as many thought him, Charles I. pocketed 120,000*l.* for those "graces," but never kept his pledges. He now came to the policy of Cromwell, which was written in one word, "extirpation"—who gave to the Irish the agreeable alternative of being sent to hell or Connaught. And what was the last speech of William III. to his Parliament, but that he hoped all dissensions would cease, and that there would be no distinction save between Papist and Protestant. That was in the year 1688. He passed over the penal laws, merely observing that they had been denounced by Mr. Burke, and that the only apologist they had ever found was an Irish bishop—Bishop Mant, who said that they were not only for the security of the Protestant, but for the benefit of the Papist. He could not help thinking—

> "Oh fortunati nimium! sua si bona nôrint."

Then, in 1723 the Duke of Grafton procured an Act to pass the Irish Parliament of a most disgraceful character. By this Act the Protestant Parliament of Ireland sought to debase every Roman Catholic priest to a level with the unsexed guardians of a Mahometan seraglio. It was sent to England, and Cardinal Fleury remonstrated with Sir R. Walpole upon it, who suppressed the Act. He would challenge the history of any country to produce such an Algerine Act as that—it was known in history as "the Nameless Act." He passed over also the question of the Union; but it was notorious that Union votes were bartered for Irish bishoprics. How stood the case now? After nearly 300 years, that Church, in spite of all the advantages of revenue and political supremacy, stood very much in the same condition as when she was first planted in that country. Had they shaken the faith of the Roman Catholic classes of that country? He denied it altogether. They might revile them as beggers, but they could not taunt them as apostates. They had retained their creed—it had linked itself with their nationality. Through famine, through pestilence, through persecution, spite of all our legislation, Ireland still lay like Lazarus at our gate, covered with sores, while the Established Church, like Dives, was clothed in fine linen, and her clergy fared sumptuously every day. He meant no reflection on the clergy of that Church. He knew them to be excellent and amiable men; but at the same time he altogether condemned the system of which they were the ministers. It would be said perhaps, "You have told us the history of the Irish Church, and you have talked of persecution unheard of, but there is no persecution at the present day—no discontent exists—Irish Members are quite satisfied in this House; why should you make any alterations when the loyalty and contentment of the Roman Catholics is uniform?" But was it uniform? On the 4th May, 1849, he found the Protestant Bishop of Waterford saying, "When last year Her Majesty's loyal subjects in Ireland were called upon to enrol themselves as special constables in defence of order, the Roman Catholics of Waterford, who numbered 32,000, only supplied eighteen special constables, while the Protestants, who were only 5,000, furnished 280." Was it not plain, then, that there must be something at bottom in that country which prevented the Roman Catholic population being attached to our present system? But that was not all. Here was a letter from Sir C. O'Donnell, the commander of the forces on the staff at Waterford, addressed to the Roman Catholic Bishop of Limerick, of a most extraordinary character:—

> "Waterford, March 24, 1849.
>
> "My Lord—I have perused your address to the Roman Catholic clergy and laity of the diocese of Limerick, recommending a collection in aid of His Holiness the Pope, with feelings of deep interest and sympathy for the position and sufferings of the Holy Father. So far as a Protestant may be permitted, I, to the utmost, acquiesce in the sentiments it embodies; and as a private and humble individual, beg to be allowed to contribute my mite to the fund about to be created for so laudable a purpose. And, my Lord, were it sanctioned by my Queen, I should be happy to raise a legion of Limerick and Tipperary "boys" in the cause of the persecuted Monarch. In such an enterprise, I venture to assert, that of the O'Donnells of the south, a thousand, at least, men who have "the will to do and the soul to dare"—would array themselves under my banner (inscribed as it is with the ancient motto of Christianity and their sept) to defend the sacred chair of St. Peter, and replace the holy, pious, and enlightened Pontiff who has been elected to occupy it.—I have the honour to be, with much consideration and respect, your lordship's most obedient and very humble servant,
>
> "C. R. O'DONNELL, Colonel on the Staff,
> Commanding at Waterford."

That letter had appeared in the public papers, and had drawn forth an answer from the Rev. Mr. Foley, the curate of Clonmel, whose statement was of an equally extraordinary character. Mr. Foley said—

> "This same Sir Charles O'Donnell did me the honour of calling upon me to ascertain what number of Protestants in the town were ready to defend in arms their liberties, families, properties, life, and religion; and whether I would lend my aid and humble influence in organising them; that the Government would send arms to the barracks, which they afterwards did; that the Lord Lieutenant was fully aware, as well as himself, that he could only calculate upon the Protestants in any emergency, but still would not wish it to be known that the movement was to be exclusively Protestant. I, of course, told him I could put on no more faces than one, and if it was to be a Protestant organisation I could not consent to conceal the fact, and, moreover, that I had no influence except upon the ground of distinctive Protestantism, and neither would the Protestants of Clonmel array themselves in a motely mass, nor under other impulses than Protestantism."

It is true that Sir C. O'Donnell had since denied he had used the name of the Lord Lieutenant of Ireland. But there was a passage in the Lord Lieutenant's proclamation which almost bore out the account. What did Lord Clarendon say?—

> "Nor is there any reason to believe (and upon this point I have collected information from various persons on whose judgment and local knowledge I could rely), that the recent orderly conduct of the people in the districts where disturbances prevailed, or were threatened, proceeds from any improved feeling as regards either the law or the Executive Government. The total absence of support of the authorities in their endeavours to suppress insurrection, the renewed attempt at rebellion in the vicinity of the town where the leaders of the movement were being brought to justice, and the disregard of proclamations requiring the surrender of arms, are facts which indicate that, however the failure of past attempts at insurrection may have weakened the confidence of the disaffected, the feeling which gave rise to, and encouraged, that movement still remains unchanged, and would again become active upon any occasion that appeared to offer even a distant prospect of success."

Here you had a remarkable Protestant minister, very much given to preach controversial sermons, who had a large following of Protestants in that part of the country, and you also had the Lord Lieutenant telling the House that you could not rely upon the Roman Catholics of that country. He would be bound to say, that if those who were intimately connected with Ireland were asked why they could not rely upon them, the answer would be, because you have never done them full justice, and you persist, at all hazards, in maintaining this deformity, the Protestant Church. There was a phrase which they used to hear more frequently formerly than they did at the present moment, namely, "justice to Ireland." He had always been very much puzzled when right hon. Gentlemen used it, to know exactly what they meant. He knew that there was a large and most respectable party in Ireland, and in the House, who meant identity of institutions; he, for one, must say, that he dissented from that doctrine—he considered it not only to be a fallacy, but a misfortune. He considered that the endeavour to put English laws, the result of long commercial prosperity, upon Ireland, was most unfortunate. It appeared to him that Her Majesty's Government had taken for their example that of the great practical economist of antiquity, Procrustes; all their measures were applied without consultation to the feelings of the Irish; because a measure worked well in England, it was immediately taken for granted that it would work well in Ireland. At one time, your legislative Procrustes had endeavoured to stretch Roman Catholic consciences to true Protestant dimensions by the screw of penal laws; at another, to cut short their purses by an English poor-law, constructed in ignorance of the country; and the most extraordinary thing was, that this practice was confined to Ireland alone. Take the case of Scotland—compare Scotland with Ireland. There was no cry of "justice to Scotland." Why? Scotland retained all her native institutions; she had her civil and criminal law; we tried to saddle her with a bench of bishops and a Church, but Scotland refused, and we had not only acknowledged her Church, but given 1,200*l.* a year to the Episcopal clergy, which money no Scotchman objected to receive, because, as he supposed, it was spent in the country. What was the consequence of our governing Scotland through a sentiment of nationality? The consequence was, that Scotland was a quiet and inexpensive neighbour; that there were at this moment only 2,000 soldiers in Scotland, and Scotland gave no trouble whatever; but she had her own Church, and her own system of law, and if we did hear of a little discontent when the learned Lord Advocate brought forward a Marriage Bill, and which was only carried by five, he would no doubt withdraw it. In Ireland you had got English law, English Church; Ireland had not one native institution except the constabulary. What was the consequence? The rich Protestant Church was a minority. They ignored the existence of any other creed, and gave the *regium donum* to Presbyterians, and neglected the Catholics; they hardly owned their existence. They had an army of nearly 50,000 men, including the pensioners and police, and they had the native institution, the constabulary. Compare the two systems. Would it not be more economical, more wise, more just, to rule Ireland as you ruled Scotland, through the sentiments of nationality, and through her affection? Let them ask themselves if the price was worth what they were paying for this system of Protestant ascendancy; because all these votes for the army of occupation, and for the police, out of the Consolidated Fund, were nothing more than the price this country paid for Protestant ascendancy, and he hoped radical reformers would recollect that. He was reminded of a question asked by the Marquess of Lansdowne, whether the Church was for the benefit of Ireland, or Ireland for the benefit of the Church; and he should be obliged to the Secretary of State for the Home Department to give a distinct answer to that question. It was not requisite to discuss the question of church government; he did not mean to enter into the question of the superiority of one system over the other; it would only be necessary for him to make two quotations on this subject as to the objects of a church establishment, and in so doing he would quote the opinions of Lord John Russell. On the 1st of June, 1836, he said—

> "My notion of a church establishment is, that it is not intended for the support of the offspring of the clergy in comfort and opulence, but for the instruction of the people."

There was a book lately published by the Under Secretary of State for the Home Department, for whom he entertained a high and deep respect—*On the Influence of Authority in matters of Opinion.* As far as his poor reading went, this was one of the ablest books he had ever read, and he did not think it the less valuable because the following passage occurred in it. Speaking of the Established Church, he said—

> "A Government cannot safely adopt any authority in ecclesiastical matters, or assume the exclusive truth of any one form of Christianity. It must look mainly to the numbers of each religious persuasion, in deciding the question of endowments for religious and educational purposes; and to the religion of parents in establishing the rules for determining the creed in which children incapable of judging for themselves are to be brought up. The most striking and decisive example is the case of the Irish Established Church, a complete system of exclusive endowment, founded on a territorial division of parishes; and yet, though it has existed since the Reformation, and has been assisted by active persecution and penal laws, it has never made any sensible impression on the Presbyterian and the Catholic portions of the community."

This was so forcibly expressed that he did not understand how, after writing that book, the hon. Gentleman could possibly avoid voting with him on the present occasion. He had given the opinion of two laymen—here was the opinion of bishops. Bishop Warburton said (vol. iv. p. 287, A. D. 1788)—

> "I request the reader to bear this always in mind, that the true end for which religion is established, is not to provide for the true faith, but for civil utility," &c.

Here was the opinion of Charles James,

Bishop of London, as to a church establishment. He said—

> "The question whether a church establishment was to be maintained or not, was only to be answered by another: namely, did it impede or did it promote the moral and spiritual improvement of the people?"

He was quite content to take it on these grounds. Let the House ask itself, did the Irish Church promote or did it impede the spiritual and moral improvement of the people? We should not have to go further than that. The House would recall the division the other night on national education, and only look at the conduct of some of the heads of the Irish Church on account of national education. Because they could not teach the people according to their own view of thinking—because they could not compel Roman Catholic parents to send their children to hear what they called the unmutilated Bible, they objected to any education at all, and, like Oliver Twist, came and asked for more money. When he recollected that a certain bishop denounced the noble Lord's measures, that he called these the Devil's schools, and that they had done everything to hinder the clergy from patronising these schools; he asked, was the condition of this Church such as to impede or promote the spiritual and moral improvement of the people? and he was content to leave the question of spiritual improvement on that issue. There was another thing said on this occasion. It was a fashionable doctrine to say, this Church is a missionary church. He had heard of missionaries who were a different sort of men from the ecclesiastics of the Irish Church; he could do honour to these men, who were generally men of low degree, and little money in their scrip, who gained no gold by preaching the gospel to barbarians. He did not think that this was the act of an Irish bishop. He did not think that their income, let alone their political conduct in denouncing the noble Lord and his Government, gave them, or the House, or the country, much idea of a missionary; and of this he was very sure, that so long as these bishops received these enormous salaries, so long as you had the plurality of bishops in the Irish Church, you would have to maintain a large army to guarantee their succession and the integrity of the Thirty-nine Articles. It had been said that this Church was of an expansive nature. It was curious, in talking of the expansive nature of Protestantism, to see how the Roman Catholics had progressed, and how the Protestants had diminished in that country, under the influencee of the Established Church. He would go as far back as 1672, when Sir W. Petty, in his *Political Anatomy of Ireland, &c.*—

> "Total number of inhabitants in Ireland he set down at 1,100,000. Of this number 800,000 were Roman Catholics, and 150,000 legal Protestants; the residue Nonconformists. Sir W. Petty says, 'One bishop in Ireland is more than thirty in England; to him he would give 2,500*l.* a year. To 150 ministers he would give 150*l.* each per annum."

Then we came down to the present time. It appeared from a return made to the Irish House of Lords, that the population in 1728 was 1,700,000; 700,000 returned as Protestants. In 1734 the Roman Catholics were two to one to Protestants. In 1824 there was a curious return made on the evidence of Mr. Leslie Foster before the House of Lords by the Protestant clergymen of the number of their flocks. Out of a population of 6,801,827, they gave 1,269,388 Protestants. They took in not only the legal Protestants but the Nonconformists. In 1834 there was another return made, and by that return we find that the legal Protestants had decreased to 752,064, whilst the Roman Catholics had increased to 7,943,940. In 1841, the Protestants were 852,000, and the Roman Catholics remained the same. So that the Roman Catholics, in spite of chartered schools, had increased nearly seven to one. So much for the expansive force of Protestantism. He came now to a very material point; he came now to the return of benefices, which was made in 1837, of the number of Protestants. There was a report of a Commission of Public Instruction in 1837 on Irish benefices, from which it appeared that there were

124 benefices with less than 20 Protestants
99 ditto with between 20 and 50 Protestants.
41 without one single Protestant.

Here was a most fallacious way of viewing this question in reference to the Church sittings. Gentlemen took up *Robinson's Almanac*, and saw a certain number of sittings put down, and then said, what a large congregation this church has. The church which he attended was put down as having 100 sittings, when the congregation was only 35.

Number of churches in diocese of Emly ...	12
Ditto of sittings	1,290

Rathroonan, diocese of Lismore, 100 sittings,
No Protestants.

Donoughmore, diocese of Lismore, 100 sittings, No Protestants.
Outragh, diocese of Lismore, 100 sittings, No Protestants.

And he got a letter this morning, in which there was mention of a parish in the county of Waterford which had not one Protestant. In this parish, in which there was no church and no resident clergyman, still the vicarial and rectorial tithes must be paid. The rector had sold his tithes, and they were now paid, the letter said, "which I am very glad of to a very fine girl." In one parish there was a church, and only one Protestant family; and he understood that the late rector, when he went by chance to preach there, the family being at church, found a goose hatching eggs in the pulpit. This appeared ridiculous, but he made bold to say that in the great majority of benefices in the south of Ireland, for all the good they did to the spiritual education of the people, you might just as well have geese hatching in all the pulpits. He came now to the diocese of Ossory, and Ossory was a remarkable diocese, because you would expect to find more Protestants there, the great bulk of the property being held exclusively by Protestant proprietors. He referred to a pamphlet entitled *On the Church of Rome in Ireland in Relation to the State*, published by a gentleman well known in the law, Mr. Serjeant Shee, and he recommended it to the perusal of the Government and the Church of Rome in Ireland, and he states that in Callan, in the diocese of Ossory, there was church room for 256, the income was 2,197*l.* 15*s.* 7*d.*, and the congregation 87—out of a population of 14,647, and the parish church was in an almost ruinous condition. On the other hand, under the voluntary system, the Catholics had raised a handsome structure for the celebration of Divine worship, at a cost of 3,400*l.*, in which large congregations assembled at the nine and eleven o'clock masses on Sunday morning; there was also a large Augustinian friary in which there were masses at nine, half-past nine, and eleven o'clock on Sunday morning, at each of which there were large congregations. Now that was not an unfair statement of the state of Protestantism in the south of Ireland. During the progress of the late trials at Clonmel, whilst the Roman Catholic chapels were full, the congregation in the Protestant church was eighty-seven, besides ten soldiers belonging to a regiment in the town. He should very likely be told that the Protestant Church was expanding, that the Irish Society was making great progress. They were taking advantage of the famine to convert the people. Two Members of the Government belonged to the Irish Society, the Secretary of State for the Home Department, and a Lord of the Admiralty. Let us see what the Irish Society were about. The other day they had a meeting in Dublin, and the gentleman who had said they could only depend on Protestants in case of an emergency, moved a resolution and said in his speech that they should convert the people, who could not resist 820 Irish teachers "planted in every field and hamlet, rooted in the soil, poking their heads into every hole." This was the way they went about Ireland, poking into every hole, and speaking irreverently of what the Roman Catholics looked upon with veneration. He came now to the last and most important point in this case—the revenues of the Church. The Established Church of Ireland had the cure of 852,000 souls, and for that duty the State provided two archbishops, 10 bishops, and 2,207 clergy. One of the archbishops had 12,067*l.*, the other 7,786*l.* per annum. Clogher, 10,000*l.*; Derry, 8,000*l.*; the clergy, amongst them, 680,838*l.* He did not reckon palaces, parks, or glebe houses; but he would remind the House that there was a vast quantity of land belonging to the Church in Ireland, amounting to not less than 669,247 acres, which with the land attached to benefices, 91,237 acres, made a total of 760,484 acres. Now, taking the land at an average value of 1*l.* per acre—and they might depend upon it the Church lands were not the worst—the amount would be over 800,000*l.* to be added to the revenues he had already stated. He looked upon Dublin University as being one of the engines of the Church, and found there had been no less than 3,381,600*l.* advanced since the Union for the support of the Protestant Church. Was this state of things to be allowed to continue? If hon. Members wished well to Ireland, would they rest satisfied? It was said that it was a delusion to call it a wealthy Church, because, if the money was divided amongst the 2,200 clergy it would only give them 2,00*l.* a-year each. But this the clergy would never get, and there was not the most remote idea of giving it to them. Would it not be better to reduce the number of clergymen to the real wants of the Establishment? What was the case in France and Scotland? There were—

> "Thirty million Roman Catholics in France. Revenues—1,500,000*l.*; more than one-third of this required in Ireland for less than a million Protestants; the Protestant Church of France has 150,000*l.* per annum. Take the revenues of the Scotch Church:—In the time of Adam Smith the Presbyterian Church had 58,000*l.* per annum. The Scotch Church at present had about 200,000*l.* In Ireland, 800,000 Protestants; 1,643 benefices with staff; 2,207 ministers; 7,000,000 Roman Catholics; 2,351 priests. The State provision for 800,000 Protestants amounted to 680,000*l.* per annum; ditto for 7,000,000 Catholics, nil."

Was this a state of things which a Government, and, above all, a Whig Government, should suffer to continue year after year in Ireland? Did it not justify the explanation given by the present Earl of Carlisle, who said it was a church without flocks, a clergy without congregations, the worst gain of the sinecurist kept up with the worst principle of the bigot? There was a great difference between a good Protestant in England and a good Protestant in Ireland. The good Protestant in England conducted himself in a different manner; the good Protestant in Ireland was the one who prayed that the Catholic might go to a hotter region than he was in at present. In the time of the Tudors and of Queen Elizabeth, massacre and spoliation was called planting religion and civilisation. In 1695, Lord Stafford called being a Protestant the taking Roman Catholic property. A good Protestant, under the Commonwealth, was a different character; he practised the horrors of the Old Testament, and totally forgot the mild doctrines of the New. After 1688, your good Protestant added another article to the Thirty-nine Articles, and that article was, "the glorious, pious, and immortal memory," and so it had gone on from the time of Elizabeth to the present day. The descendants of Cromwell's drummers, and William III.'s troopers, all joined together in repudiating the Popish doctrines, and loving Popish property. This was a sample of your good Protestants, especially in the south of Ireland. He knew that on coming to any question of the property of the Church of Ireland, he should be told that it was sacred. That had been the cry on all occasions; it was said it was sacrilege. That cry was set up at the Reformation, with much better pretext than it would be now. Men confounded spiritual convictions with worldly interests; but he was prepared to maintain there was no analogy between corporate and private property. There had been very strong opinions expressed on this subject by men very well qualified to judge. Lord Brougham said—

> "There was no sort of analogy between church property and private property; the Church received its property for the performance of certain services, private property held it unconditionally. As well might the pay of the Army as the property of the Church be called inviolable, or private property."

The noble and learned Lord could not have changed his opinion; but whatever might be his opinion now, he was perfectly borne out by Sir James Macintosh, who laid it down that no Minister had ever attempted to say that there was an analogy between corporate and private property. He would give a precedent. In 1835, they took the tithe agistment; it was said it was to strengthen the Protestant interest. In 1831, they confiscated 25 per cent of the tithes; in 1833, they abolished vestry cess, and ten bishoprics. Before the rebellion in Canada, there were certain lands appropriated for the sustainment of the Protestant faith. After the rebellion—and he regretted to say that we never did any of these things till blood had been shed—an Act was passed in that House, by which these clergy reserves were taken away, and at the present day these clergy reserves, which were meant for the Protestant Church, were given for the sustainment and payment of the Roman Catholic Church in Canada. And who consented to that? The right hon. Members for Ripon and Tamworth, and the Bishop of London. The bishops all consented to the passing of that Bill, except the Bishop of Exeter, who looked upon it as a sacrilege. Why not apply a similar principle to Ireland? One objection he expected to hear urged against interference with the temporalities of the Irish Church was, that such interference would be a violation of the fifth article of the Union. Some hon. Members would contend that they were bound by that article. Now, he said that, independently of the obligation of that article, it would be bad policy to make any article of the Union a reason for refusing the Irish people any just concession. Nothing could be contrived more effectual as an inducement to agitate for repeal. But in that fifth article there was no mention of the temporalities of the Irish Church. It provided, "That the two Churches were to be united in government, discipline, and faith." Not one word was said about the temporalities of the Church; but, even if there were, it might be altered, as had already been done in the case of the fourth article. No man with a shadow of common sense would see a ground of objection in the fifth article. On this point he would quote the observations of the right hon. Member for Tamworth, made in 1844, who said—

> "It may be asked, are compact and authority to be conclusive and decisive on this subject? If we are convinced that the social welfare of Ireland requires an alteration of the law, and a departure from the compact, are our legislative functions to be so bound up that the compact must be maintained in spite of our conviction? I, for one, am not prepared to contend for such a proposition."

He thought that after such an opinion from so great an authority as the right hon. Baronet the Member for Tamworth, no man of common sense would attempt to defend the Irish Church upon the fifth article of Union. One other objection he expected to hear to his Motion, and that was, that the Church should not be robbed of its possessions because it was the exclusive possessor of religious truth. He must say, with respect to that argument, that it was nothing more nor less than what the hon. Member for Buckinghamshire had termed an organised hypocrisy. If it were anything else, why had it not been acted upon in Canada, in Malta, in Hindostan, and in the vast territories which we had recently added to our empire? He broadly asserted that the State had no right to set itself up as the judge of religious faith. When Gentlemen talked of Protestant principle, he asked them if they knew what it meant? If it meant persecution, then he was no Protestant; but there was a right Protestant principle to which he adhered, and which had been consecrated at the Reformation, and that was the right of private judgment. In asking the House to go into Committee to consider the temporalities of the Church of Ireland, he had no intention of abolishing the Irish Church. He was convinced that every useful reform must be founded in mutual forbearance. He did not wish to interfere with vested rights, but was anxious to have the congregational plan adopted if practicable, as being much more expedient than the present territorial system. He found that in the diocese of Chester one bishop, until lately, presided over 1,500,000 souls, while in Ireland there were ten bishops to 800,000. That was to say, that in Ireland there was one bishop to each 118 benefices, and in England one to 410. Gentlemen were in the habit of crying out, "More bishops:" his cry was "More working clergy." He should propose, if they went into Committee, to reduce the Church of Ireland to one archbishop, at 4,000*l.* a year, and the ten bishops to five, at 2,000*l.* each. Many, he knew, would object to this; but he looked upon it as a matter of compromise. He believed that such a plan would meet the approval of Parliament. The noble Lord the First Minister of the Crown had already given in his adhesion to the congregational system. The noble Lord, in February, 1844, said—

> "I concur in the plan propounded, as it is said, by Dr. Whately, the Archbishop of Dublin, for making it a church of congregations, not parishes, as under the present system. I think the Protestant Church ought to be fully provided for, but I do not believe that anything like the amount at present allotted to it is necessary for the purpose. If you compare the amount allotted to the Irish Church with that of Scotland, and in most continental countries, you will say it is not necessary."

It might be said that this was not a proper time for entertaining the question. If it were not, when would be the proper time? In Committee he should propose the following resolution:—

> "That it is the opinion of this Committee that any surplus that may remain, after fully providing for the spiritual instruction of the Protestants of Ireland should be applied locally to the education of all classes."

He had now, at some length, introduced this Motion. He trusted that the House would not think at unnecessary length; but before he sat down he must warn the Government that they need not look upon the present state of Ireland as one affording any real grounds of satisfaction. They had heard of large and comprehensive measures for that country; but all Ministers had done upon succeeding to office was to suspend the Habeas Corpus Act, and to pass an amended poor-law, following in their amendment the plan of an eminent pathologist, who attempted to feed a starving dog with the produce of its own tail. When the poor-law failed, they passed a rate in aid. The Government had lately had a bloodless triumph, and had paralysed agitation for the present, but they must not think that in doing so they had extinguished the feelings or sympathies of a nation. He warned them not to mistake the silence of famine and despair for the tranquillity of happiness and content. If he were allied to the Government, or had weight with them, he would not urge that this was not the proper time, but would advise them to seize the opportunity that Providence presented, and boldly to put this question which was at the root of all the heartburning and discontent which had too long prevailed in Ireland, on the footing which their former professions and the history of their party justified the people in expecting from them.

MR. REYNOLDS seconded the Motion.

Motion made, and Question proposed—

"That this House will resolve itself into a Committee of the whole House, to consider the present state of the Temporalities of the Church of Ireland."

MR. MOORE said, on taking his seat in that House, he had bound himself by a solemn oath to do nothing to subvert the Church of these realms as by law established, and that he had been frequently reminded in the Session that in the opinion of many that oath imposed upon Roman Catholic Members a different obligation from that imposed upon Protestant representatives in the consideration of Church subjects. Now, a legal oath could, in no circumstances, amount to more than a simple recognition of that which, in the mind of the imposer, was an existing truth—an existing obligation. In a court of law, for example, the oath of a witness that he would tell the truth, and nothing but the truth, amounted to nothing more than a solemn recognition of the existing law of God, that we ought not to bear false witness against our neighbour. In no circumstances whatever did the law recognise a promise to do that which was in itself wrong. It was true that the law, by an oath, imposed an additional obligation and great additional responsibility; but it was not within its scope or power to make right wrong, or to make that criminal in an individual which it held to be innocent in itself. Therefore, the law could not impose upon him any further restraints than were held to be of moral obligation by every conscientious and right-thinking individual. No doubt there might be Roman Catholics who, on account of their oath, entertained objections to interfere with the Protestant Established Church; but he, who looked upon the Established Church as a matter of civil policy, saw nothing in the oath he took to place him in a different position from other Members of that House. He admitted that the Church of Ireland, the abuses of which he assailed, was a part of the Church of this realm as by law established, and it was in that character he assailed it. It was a perversion of terms to call it the Church of Ireland. It was the English Church in Ireland. It was the representative of English power, was created for English purposes, and maintained and fostered by crimes and abuses that were its disgrace as an establishment. It was a part of the Church of England that was diseased and rotten—a festering limb so corrupt and putrescent, that it stank in the nostrils of the entire community. And would it be said, because he wished to cut off a diseased and rotten limb, that he was asking to injure the health of the other parts of the body? Having said thus much as to the obligations which lay on him in consequence of the oath he had taken, he would shortly refer to the subject now before the House. He had carefully read all the speeches that had been delivered on this subject by the most distinguished individuals in that and the other House during late years in favour of the Irish Church; but he had never heard or read one in which it was attempted to defend that Church on its merits, or to maintain that it had fulfilled the great purposes for which it was established. They had pleaded in its favour the Statute of Limitations; but not one had said that it had ever effected the object for which it was kept up—the spiritual welfare of the people. The favourite argument used was that the State had no right to interfere with the temporalities of the Irish Church. The right hon. Gentleman the Member for Ripon, in 1835, said those temporalities ought to be kept sacred for the maintenance of the Protestant religion, and that the Legislature had no right to appropriate them to other than their original purposes; and the right hon. Gentleman stated that, with a few slight qualifications, he concurred in the general views expressed by Hallam. The hon. Member for the University of Oxford declared that he entertained similar opinions. But, in opposition to these sentiments, they had the opinion of a statesman who was perhaps the highest human authority on such a subject—he meant Mr. Burke, who held, that it was in the essence of every trust to be considered accountable; and he said, there must be certain conditions to justify Parliamentary interference with such property. The object, he said, must be a good one; the abuse must be a great one; it must be habitual, and not accidental; and, lastly, it must be incurable. Now, all these conditions would be found existing in the present case. Their object was to pacify and tranquillise Ireland, and to secure the prosperity of their fellow-subjects in that country, instead of having them as discontented and dangerous neighbours. They were asked to consider this as a question not merely of humanity, but of safety; not as a question of justice, but of self-interest; not as a question of honour and character, but really as a question of empire. The hon. Gentleman here dwelt at some length upon the numerous evils that had flowed from the Irish Church, describing the abuses as greater in point of duration and iniquity than any that had ever disgraced the annals of a Christian country. The records of the Spanish Inquisition might furnish more striking circumstances of atrocity; but they would fill but a few pages of that blood-stained volume which history had sent down of the wrongs committed in Ireland. The Church of Ireland was an act of fraud in its operation, and its establishment was an act of national oppression. If one day's undisputed possession was necessary to constitute a title by prescription, then the records of this country would attest that from the first day of its foundation that prescription was never acknowledged or acquiesced in by the people. But even if the title of that Church were as clear as it was vicious and unfair, and even if its history were as free from blame as it was buried under the memory of the outrages with which its progress was associated, still it had not accomplished the end for which it was originally designed. The Act of Elizabeth and of the first reformers was founded on a great and comprehensive system of policy, having for its object the complete extermination of Popery in Ireland, and the bringing of the inhabitants of both countries, England, and Ireland, within the pale of the same religious communion. In that spirit the church militant was established in Ireland. This was the view which Mr. Hallam took of the subject. That able writer observed that the ecclesiastical polity of a nation must take its origin from the choice of the people, and not of the Government; and that it should exist with the people and for the people. This truth was so manifest to the Government of Elizabeth, that she never contemplated the separation of a great majority of the nation from the ordinances of the established religion. It was presumed that the Church and the Commonwealth were two denominations of the same society. Such were the real ends for which the Church of Ireland was founded by the first reformers. It was not to be a source of wealth to the few, but to be a benefit and a blessing to the many; it was not to be the patrimony of a small sect, but it was intended to accomplish the conversion of a whole people, and not to separate the country into hostile factions, and perpetuate disorder, disunion, and disaffection in a community through successive generations. These being the intentions of the first reformers, he would ask whether they had been carried out? Had their endeavours succeeded? What was the state of the Protestant Church in Ireland? What had been the advancement of those Protestant doctrines for the propagation of which such vast sums had been expended, and in the defence of which successive generations had been degraded and oppressed? Although the revenues of the Irish Church were derived from funds originally established by Catholics for Catholic purposes, not one farthing was now applied to the religious uses of the great mass of the Irish people. But, setting the claims of that people aside, and considering those revenues to be solely for the maintenance of the Protestant Church, it appeared that on comparing the aggregate amount of the congregations in Ireland with those of England and of Scotland, the funds appropriated to the Irish Church were three times as great as those appropriated to the Church of England, and nine times as great as those appropriated to the Church of Scotland. The hon. Member then proceeded to point out the proportion which the Roman Catholics bore to the Protestants in Ireland. In Ulster there were 518,000 Protestants, and 1,955,123 Catholics; in Leinster there were 178,000 Protestants, and 1,064,681 Catholics; in Munster there were 112,000 Protestants, and 2,312,000 Catholics; and in Connaught there were only 45,000 Protestants, and 1,188,568 Catholics. But even this statement would fail to convey to the mind an idea of the enormity of the grievance of which the Catholics had to complain. He himself paid tithes in eight parishes. In the whole of those eight parishes there was not one church, one glebe, or one resident clergyman! He did not believe that he had one Protestant tenant in any of those eight parishes; he was not aware that there was a Protestant at all in any of them, and he did not believe that divine service according to the Church ritual had ever been celebrated in any one of those eight parishes since the Reformation. These cases were by no means uncommon; and yet a right hon. Gentleman of great eminence, the Recorder of Dublin, had, on a former occasion, said in that House that he did not think that such a sum as the revenue of the Irish Church realised should be grudged to support twelve resident noblemen and 2,000 educated gentleman scattered about the country. Was it possible to conceive a greater perversity of intellect, or a more obtuse dulness of apprehension, than for any man to speak thus on such a subject? And yet there were many who could see nothing extraordinary in that passage, for it was only a very candid avowal of an existing act—that property set aside for the holiest of purposes—that the patrimony of the poor—was in truth appropriated for maintaining twelve resident noblemen and 2,000 educated gentlemen scattered about the country. Admitting (what he utterly denied) that these funds were originally intended for the purpose of establishing the Protestant religion, still that purpose had not been accomplished. It had failed as it ought to do, and yet the advocates of the Church had the audacity to set up a claim to these large endowments as if they had succeeded. It was because the Church had not succeeded that it was greatly endowed. If it had accomplished its purpose it would have been the poorest Church in the world instead of being the richest. The more the Protestant Church in Ireland diminished, the richer would be the ministers of that Church. With regard to the two other conditions described by Mr. Burke, namely, that the abuse should be habitual and not accidental, he (Mr. Moore) need scarcely say, if the present state of the Church of Ireland were an abuse of the original purpose of its institution, that the abuse was habitual and not accidental, and that it was incurable as it now stood constituted. He would now present to the House the claims of five-sixths of the people of Ireland to the right of receiving religious instruction in life, and religious consolation in death. At present, the pastors of that vast body of people derived their scanty subsistence from the contributions of starving men—were, in fact, dependent for their bread upon the caprice and the passions of an ignorant and impetuous people. He maintained that, in every country, the prevailing religion of the people should be the religion of the State, and should be supported at the public charge. He did not call upon the House to accept this doctrine upon his authority, but would give them the opinions of eminent writers on the subject. [The hon. Member here quoted the opinions of Dr. Paley, Bishop Warburton, and Dr. Arnold, to the effect that the State ought to adopt the religion of the majority of the people.] The right hon. Gentleman the Member for the University of Oxford had been obliged to avow the same principle; but he endeavoured to escape from the application of it to Ireland, by saying that the Act of Union between Great Britain and Ireland had placed the Roman Catholic population in a minority, as regarded the empire at large, and that, so long as the Act of Union remained unrepealed, and this numerical inferiority continued, he should oppose the establishment of the Roman Catholic religion in Ireland. This might have been good logic five centuries ago, but it was liable to strong objection in the present day. According to this theory, the title of the Protestant Church in Ireland dated only from the Act of Union, and every law passed in its support previous to that period was a direct act of tyranny on the part of the Legislature. According to this theory, if India, in process of time, should become an integral portion of the empire (which it almost was already), it would be a matter for grave consideration whether the Archbishop of Canterbury should not become a Mahometan or a Brahmin, and whether the House of Commons should not offer up prayers to Vishnu, because a majority of the empire was of that religion. But Bishop Warburton had laid it down that the majority of the people of England should determine the religion of England, and that the majority of the people of Scotland should determine the religion of Scotland; and, consequently, unless reason and right became folly and wrong by crossing the Channel, the majority of the people of Ireland ought to determine the religion of Ireland. But, strange to say, he found the right hon. Gentleman in the very same speech in which he opposed the application of this principle to Ireland, objecting to the appropriation of any part of the revenues of the Irish Church, on account of the dread he entertained lest any portion of the Irish people should be dependent upon the voluntary principle for their religious instruction. The right hon. Gentleman the Member for Ripon also stated that the voluntary system was one of the greatest curses which could fall upon the working population of Ireland, and that he should be sorry to see it established in that country. But the fact was, that in the case of the great bulk of the people the voluntary system was in operation in Ireland already. The evils of that system had been described with great force and clearness by Dr. Paley. Was there any one acquainted with Ireland to whose mind this passage did not at once suggest the existing relation of the Irish people and the Irish clergy? He appealed to the House, too, whether every dishonourable suspicion, every gross insinuation, every scurrilous sneer that was from time to time directed against the Irish Roman Catholic clergy, did not bear with irresistible force against the voluntary system? In a letter which appeared in the *Times* in 1847, it was stated that the Irish Roman Catholic priest had a direct interest in encouraging imprudent marriages and an increase of population, in order that he might finger more fees. And why was this? Because of the unnatural law which handed over the whole revenues of the Church to the clergy of a mere handful of the population, while it consigned the real pastors of the people to depend for their bread upon the alms of the beggar and the liberality of the poor. Taking a more wise and sound view of the relation which ought to exist between the clergy and the people, Dr. Stock, an Irish bishop, almost fifty years ago, showed that in every popular commotion the Romish priest had been—and, until a better system was adopted, always would be—found in the ranks of sedition, and in opposition to Government; and for this reason, that the Irish peasant loved revolution, because he felt the weight of poverty, and the priest was obliged to follow the popular wave lest he be left on the beach to perish. This was, in some degree, a narrow and shortsighted view of the question, because the priest from his position did not so much follow the popular wave as formed a part of it. The description of the voluntary system by Dr. Paley, conveyed a faint and feeble picture of the degraded and false position in which the Roman Catholic priest in Ireland was placed by the relation in which he stood to those whom it was his duty to instruct, advise, and reprove. As one illustration of this degraded position, he mentioned the case of a Roman Catholic clergyman who, during the recent famine, handed to a Protestant minister who sat in the Committee with him a list of his parishioners who had made application for relief, but who did not need it, saying, "You are independent of these, and can resist their applications. I am dependent upon them, and I care not." As a further illustration of this position, he would quote a passage from a speech delivered by Mr. Lambert, in the House of Commons, in 1834, on the subject of repeal, in which he said that to such an extent had the agitation upon that question been carried, that—

> "The venerable and most respected Roman Catholic Bishop of Waterford had been assailed and pelted with stones. Another bishop had been protected solely by the interference of the sheriff, and this merely because he differed from the crowd on the subject of repeal. The Catholic Bishop of Kinshilla shared a similar fate, and the clergy in general were treated in the same way whenever they refused to lend themselves to the delusions of the people on the subject of repeal."

He did not quote this with the view of showing that they were not sincere in their agitation, but to show that members of that body who conscientiously objected to agitation, might be forced into it by the passions, caprices, and will of their flocks, upon whom they were dependent. A noble Lord, in another place, while he commended the zeal of the Roman Catholic clergy in discharge of their duties, had complained that they did not display the same amount of zeal in support of the law. But when noble Lords and hon. Members spoke thus, did not their consciences whisper a word of warning to them? Did it never occur to them to ask themselves if those men were not friendly to the Government, had the Government been friendly to them? and which owed the other the earliest and deepest debt of retribution? How did it happen that the Government distrusted the oaths of Roman Catholics in political cases, while they did not distrust them upon others? It was because they knew that religious heartburnings and religious jealousies were at the bottom of Irish political disturbances. It was quite true that the Roman Catholics of Ireland as a body were disaffected towards the Government. They had a right to be disaffected, and ought to be so. The Church Establishment of Ireland not only lay at the root of every social evil in Ireland, but it kept alive bitter memories which every lover of his country would wish to see obliterated. The noble Lord at the head of the Government, in 1835, said—"You cannot refuse to redress this great legislative wrong, and yet resist the repeal of the Union." "I shall resist the repeal of the Union," said the noble Lord in 1848, "and leave this great legislative wrong as it stands." By the confession of the First Minister of the Crown they had no right to hold the government of Ireland; and, in point of fact, no constitutional Government did exist in that country—which they held by the sword alone—and why? Because they had declared a legislative war against the religion of the whole people, and because though they no longer dared wage open war with the Roman Catholics as enemies, they had not the heart and manliness to treat with them as friends. The fact was, that hon. Members came forward to vote against their own consciences in this matter in deference to the prejudices and bigotry of their constituents. Conduct such as that was unworthy of the legislators of the greatest empire under the sun. If they but once resolved to consider the question without fear, favour, or prejudice, but solely as honour and conscience dictated, he was persuaded they would lay the foundation of a new social system in Ireland, and consolidate the institutions of the empire at large; that they would establish peace between Church and State, which—let statute-books say what they liked—had been at war for centuries, and in the end produce such a union between the two countries as every honest Englishman must desire to see, but such as never yet had existed.

SIR G. GREY: Sir, I wish at once to relieve the apprehensions which seem to be entertained by the hon. and gallant Member for Middlesex, that I would, on the part of Her Majesty's Government, meet his Motion by moving the previous question. Looking not only to the inconvenience arising from the time at which he asks the House to go into Committee, but to the practical effects of the object which the hon. and gallant Gentleman has in view in the plan which he proposes, I must say that I am not prepared to go into the consideration of that plan at present, and I have therefore no objection to state at once to the hon. and gallant Gentleman that I will vote against his Motion. The hon. and gallant Gentleman warned the Government that they were not to congratulate themselves on the condition of Ireland, and that the condition of that country is not one for deep and unmingled satisfaction. I deeply regret feeling obliged to state that I concur with the hon. and gallant Gentleman in this view, and that the condition of Ireland at the present moment is one which I consider it impossible to contemplate without pain and regret; but I must say that I do not see, in the Motion of the hon. and gallant Gentleman, brought forward under present circumstances, any means for effecting the slightest alleviation of those social evils under which that country is suffering, and to the remedying of which we ought, as far as we possibly can, to direct our attention. The hon. Gentleman the Member for Mayo also states that he supports this Motion, though I must say that I heard very little in his speech in support of it, or approving of the plan which the hon. and gallant Gentleman the Member for Middlesex has submitted to the House. The hon. Member for Mayo supports the Motion, as I understand him, because he thinks it is calculated to remove domestic disagreement, and to alleviate political disaffection in Ireland; but, for my part, I must say that I cannot see in this Motion anything except a tendency to create domestic disagreement, and to extend political disaffection. I believe that less of disaffection, or political feeling, exists at this moment in Ireland than at any former period, and that our efforts ought therefore to be directed rather to the social improvement of the country. The hon. and gallant Gentleman the Member for Middlesex occupied the time of the House during a considerable part of his speech in quoting speeches delivered at different periods by different Members of the House and of the Government. He did me the honour to quote—but I must say rather erroneously—some words that I had used in 1844 while sitting on the opposite side of the House. He said that an ominous silence had been preserved from that time to the present by the Members of the Government; and that since the Motion of my noble Friend at that time to the present moment, not a word had been heard on the subject from this side of the House. The hon. and gallant Gentleman complained of the want of memory that seemed to prevail among the Members of the present Government with regard to this question; but I must complain of something like a want of memory on his own part, as after the care which he has evidently devoted to the pages of *Hansard*, he could scarcely have overlooked the discussion in 1845 on the measure introduced by the right hon. Baronet then at the head of the Government with regard to the College of Maynooth. [Mr. B. OSBORNE: I mentioned it.] If he had taken the trouble of referring to the speech which I made on that occasion, he would have seen that I then repeated the opinions that I had before expressed on this subject: but as it happens that these opinions are not in accordance with those which the hon. and gallant Gentleman now wishes to express, he has not looked into them as fully as he might otherwise have done. Otherwise, he would have seen that the opinions which I have uniformly expressed on this subject, are the same as those which I now maintain. He would have seen that I have been at all times against the policy of establishing in any country an Established Church exclusively endowed, such Church being the Church of a minority of the people. But I ask, is there anything in the scheme of the hon. and gallant Gentleman that at all approaches to a remedy for that state of things as applied to Ireland? What does the hon. and gallant Gentleman propose? He proposes to follow the example of one who, it is no disrespect to the hon. and gallant Gentleman to say, was a more distinguished Member of this House even than himself. In 1834, Lord Stanley brought forward a measure for reducing the number of bishops in the Established Church in Ireland from twenty to ten; and the hon. and gallant Gentleman now proposes to follow that example by reducing the number to five. But does the hon. and gallant Member propose to endow the Roman Catholic Church? Does he propose to treat this as a question of money and not as one of feeling; and does he call such an arrangement as he proposes a perpetual settlement of the question. The hon. and gallant Gentleman must recollect that this question was also discussed at the close of the year 1848, and that he does himself an injustice in not mentioning that he then brought forward a plan for the settlement of it. The hon. and gallant Gentleman might have added that I then stated, in reply to him, the same views which I now entertain on the subject. But the hon. and gallant Gentleman has not brought forward identically the same plan now which he then submitted to the House. It is, to be sure, substantially the same plan; but I should be glad to know whether he does not now withhold a part of his project. The hon. and gallant Gentleman stated last year that the plan which he proposed was intended to be but a temporary experiment, and that his object was the ultimate abolition of the Church of Ireland; that he was willing to take what he then asked for as an instalment, but no more. Now, I should wish to know, is the hon. and gallant Gentleman in the confidence of the Roman Catholics of Ireland, and is he prepared to state that the scheme which he now proposes will be received with satisfaction by them as a final settlement of the question, and that it will remove all cause of disagreement from among the people of Ireland? I am unwilling to trouble the House with any extracts from former speeches of mine, but I wish to read one extract from the speech delivered by me in reply to the hon. and gallant Gentleman on the 29th of July last. I stated on that occasion that—

> "I am not prepared to deny, but affirm, that the existence of an exclusive Protestant Church in Ireland—the Protestant Episcopalians being a small minority only of the population—is an anomaly unjustifiable in its origin, and indefensible now. I know no other country in Europe in which the same experiment has been made—in which the same attempt has been carried out; and I am quite prepared to say that the wisdom and policy of the attempt in Ireland must be condemned by its results."*

And here I must say that I agree much more nearly with the hon. Member for Mayo, than with the hon. and gallant Gentleman the Member for Middlesex. If I understand the hon. Member right, and I attended very carefully to his speech, he did not appear to me to support the scheme of the hon. and gallant Gentleman at all. If I did not misunderstand the hon. Gentleman, I think he wished to show the impolicy and the inexpediency of having the clergy of the great majority of the people unendowed, and dependent on the voluntary offerings of their flocks; and, alluding to this subject, I said, in continuation of the extract which I have just read—

> "I think it an unfortunate circumstance, materially affecting the peace of Ireland, and the efficacy of the Government, that the Roman Catholic clergy are dependent on those sources for their subsistence to which the hon. and gallant Member for Middlesex has referred."

After alluding to the qualification which, I maintained, the hon. and gallant Member ought to have introduced in his statement of the views of my noble Friend, I referred to what had fallen from the hon. Member for Limerick, and said—

> "I very much agree with the hon. Member for Limerick in believing that the time would

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* Hansard (Third Series), Vol. C., pp. 992–93.

come—and I care not under what Ministry—when public opinion in this country, having altered through long experience, would enable a well-matured and well-considered plan to be brought forward, and procure for it the sanction of Parliament. I hope the hon. Member is not too sanguine in the expectation that that time is not far distant. I, for one, shall hail its arrival, and, whether in office or out of office, no one will be more ready than myself to concur in any practical plan for the accomplishment of what I believe would be a great benefit to Ireland."

I will not trouble the House with any further extracts from what I said on that occasion, though I might quote much more of a similar tendency; but I think I have read enough to clear myself from the charge of having maintained an ominous silence on this question since 1844. Coupling what I have here referred to with my speech in 1844—though I must complain that the hon. and gallant Gentlemen has left out the very pith of my observations on that occasion—I think it is clear that I have all through maintained the same opinion against an Established Church exclusively endowed, being the Church of the minority of the people. That was also the language which I maintained on the discussion of the Maynooth Bill in 1845—a Bill to which I gave my cordial support. I said that I hailed that Bill as being the first recognition of a very important principle—namely, the recognition of the Roman Catholic Church in Ireland, and still more that I regarded it as a first step towards the abandonment of what was to be regarded as a stigma on the Irish people—the exclusive maintenance in a Catholic country of a Protestant Church, and the total disregard of the opinions of the great majority of the people on such a subject. I added that I was not for agitating this question without any hope of the adoption of a practical measure on the subject, and that I thought the Government ought not to be urged to bring forward a measure on the subject until they could entertain reasonable grounds of success. Since that time, the subject has received the earnest attention of the Government, and it has been their desire that it should be satisfactorily settled. But when the hon. Member for Mayo speaks of the prejudices of the people of this country being the only obstacle to the satisfactory settlement of the question, and says that the great majority of the Members coming here are influenced in voting against that settlement from a fear of the prejudices of their constituents, I must say that there are other great and conclusive barriers to this endowment of the Roman Catholic clergy to which he has not alluded, one of which is the avowed, the repeatedly avowed, resolution and expression of opinion on the part of the Roman Catholic hierarchy and clergy of Ireland, never to consent to any scheme by which their Church would be endowed and connected with the State. When we had the great body of the Roman Catholics of Ireland petitioning Parliament to admit them to the privileges of the constitution, the case was very different. Here we have the great majority of the people of this country and of Scotland—I believe under a mistaken opinion—opposed to the endowment of the Roman Catholic clergy of Ireland, while at the same time we have the great body of the hierarchy and clergy, and I believe of the laity also, of the Roman Catholic Church in Ireland, united in resisting any such proposition. I ask, then, whether it is not plain, whatever the opinions of the Members of the Government may be upon the question, that acceding to the proposition of the hon. and gallant Member on this occasion, would have the effect of giving rise to much acrimonious debate, and would be the source of great animosity and opposition throughout the country, while in the end the measure, even if it could be carried, would be rejected, instead of being accepted as a boon by those for whose benefit it would be intended? On the other hand, I am not prepared now, any more than I was last year, to go into a Committee with the hon. and gallant Gentleman with a view to cripple the Church of Ireland in the first instance, by a measure intended only as an instalment towards its destruction, though the hon. and gallant Gentleman has not now avowed that part of his plan. I do not know that it is necessary for me to go into the objections which the hon. and gallant Member has anticipated. With regard to the first of these objections—that referring to the nature of church property—I am not prepared to agree to what the hon. and gallant Gentleman quoted as the opinion of Lord Brougham at some former period, that the property of the Church and the pay of the Army stood precisely in the same position. [Mr. B. OSBORNE: Sir James Mackintosh said the same thing.] I do not know whether Lord Brougham or Sir James Mackintosh said so or not. I cannot agree to such a position thus broadly stated, although I admit the right of Parliament to make alterations with regard to the distribution of church property, which it would not do in respect to private property. With regard to the question said to have been asked by the Marquess of Lansdowne, I have only to say that the Church is made for the people, and that its only object should be the promotion of the true interests of the people; and I think that a Church which fails in effecting that object, fails in the purpose for which it was established. Another objection, that with regard to the operation of the 5th Article of the Act of Union, is, I think, not entitled to much weight, as I consider that article no more a bar to dealing with the question now, than it was when Lord Stanley brought forward his measures. But the hon. and gallant Gentleman said, and I think truly, that if we were beginning *de novo*, nobody would be for establishing such a Church Establishment as that now existing in Ireland. But I must again remind the hon. and gallant Gentleman and the House, of the difference between dealing with a Church which has been established for near 300 years, and a new arrangement. The hon. Gentleman the Member for Mayo said, that the history of the Church of Ireland has been written in characters of blood. I think, however, that the hon. Gentleman will regret having referred to acts of past times, which nobody could be now found to sanction. We are now dealing with the Church as it is, and not as it was in bygone years; and I cannot but regret that the hon. Gentleman, in referring to the characteristics of the Church of Ireland, should not have borne testimony, as no doubt he could do, to the indefatigable exertions of the Protestant clergy of Ireland, in union with their brethren in this country, in affording relief to the suffering poor of their neighbourhood irrespective of creed or party. Sir, the hon. and gallant Gentleman the Member for Middlesex, in an episode relating to the Irish Society, the taste of which I must leave to the judgment of the House, reminded me that by virtue of a former subscription I was still a member of the Irish Society. If that be so, I can only say that I see no reason to regret it. The Irish Society is in no way to be considered as a part of the Irish Established Church. It is not the Church. It is a private society, consisting of a number of voluntary members; and the hon. and gallant Member has no right whatsoever to question its mode of expenditure of its funds for any purposes to which it may think fit to apply them. It was intended to supply, and I think it did supply, a deficiency which existed in the Irish Established Church. Its object was to send out as teachers and readers amongst the people men who could speak the Irish language, and who could thereby spread religious and moral instruction amongst them. That object I believe to be a good one. But if the hon. and gallant Gentleman intends to charge me with having any sympathy with, or giving any assistance to, those who are said to—I don't say that they have done so, but that they are said to—withhold relief from any distressed persons, except upon the condition of such persons leaving the faith in which they were brought up, and to which they are attached, I can only say I utterly repudiate such a charge. And, further, I beg to say that I have no reason to believe that any person belonging to the Irish Society would be guilty of such conduct. The hon. and gallant Gentleman quoted part of a speech made by a rev. gentleman at one of the meetings of the society. If the report of that speech is correct, I can only say I have no sympathy whatever with the sentiments to which he gave expression. The hon. Gentleman also said, that the Lord Lieutenant of Ireland had expressed an opinion, in some letter, to the effect that the loyalty of the Irish Catholics was not to be trusted. Sir, I don't believe the Lord Lieutenant of Ireland ever said any such thing. I don't know from what letter the hon. and gallant Gentleman quoted. His information is so exceedingly varied and extensive, that it is very difficult to follow him through all he says. But I do not think any man is more perfectly free from anything like sectarianism or religious party spirit than the present Lord Lieutenant of Ireland. I believe there is a very general sentiment of loyalty and attachment to the Sovereign of these nations prevailing amongst the Roman Catholic population of Ireland. There are, of course, exceptions, as we have lately seen. But there is a prevailing sentiment of loyalty and attachment throughout the great mass of the people, which would not justify us in suspecting any class, as such, of disloyalty. Sir, I do not mean to defend the Irish Established Church from the attacks that have been made upon it, because I see that the hon. and learned Gentleman the Member for the University of Dublin and his hon. Colleague near him are anxious to do so, and they are better fitted for the task than I am. But I was anxious to state what I believe to be the great and prominent difficulty in the way of a settlement of this question; and until we have some ground for a reasonable hope that we shall be able to submit to Parliament a measure likely to be successful, I do not think that it would be the duty of Government to accede to a proposition which would be likely to lead only to a discussion of an acrimonious nature, and not to any practical result. I, therefore, feel it my duty to oppose the hon. and gallant Gentleman's Motion. But before sitting down, I have one word more to say. The hon. and gallant Gentleman alluded to my noble Friend the First Lord of the Treasury's absence from this debate. My noble Friend's absence is owing to domestic causes. But I can assure the House that it was his intention to be present this evening, and to have stated his views upon the Motion of the hon. Gentleman.

MR. E. B. ROCHE said, that the right hon. Baronet, while he had totally abandoned the Church, had not at all succeeded in patching up Whig inconsistency. The right hon. Baronet had, however, raised a question from which he (Mr. Roche) felt bound to dissent. The right hon. Baronet admitted that the Church Establishment in Ireland was a great injustice; but he thought that that injustice could be done away with by planting another Church Establishment alongside the present. Now, instead of that being a countervailing advantage, it was obvious that when an impoverished country complained of the burden of a rich Church Establishment, the way to remedy the grievance was not by giving her two instead of one such establishment. Almost the only answer of the right hon. Baronet to the able and convincing speech of his hon. and gallant Friend the Member for Middlesex, was comprised in the old argument that this was not the proper time—that the social state of Ireland was such as to render it inadmissible to deal with this question now, and that it must be postponed until that country was in a more prosperous and comfortable condition. It was, on the contrary, because Ireland had been disturbed, and because her social state demanded improvement, that the Government were now called upon to apply themselves to the removal of the greatest of those grievances which had caused Ireland to be disturbed. Everybody knew that the Church Establishment in Ireland was one of the main foundations on which the repeal agitation had been originated. If Ireland was socially degraded, would they not be likely to improve the social condition of the people by taking from their shoulders a great political oppression? As night followed day, so would social degradation follow upon political slavery. The right hon. Gentleman had completely given up the Irish Church in argument, though not practically, and it was therefore needless to argue against it; and they had not yet had a single speech from its able defenders on the opposite side of the House calling for a reply. He wished to know from them upon what ground was it that they would defend that Church in Ireland? Was it upon the ground of religious truth? [An Hon. MEMBER: Yes.] An hon. Gentleman said it was. Then they were in that House required to assert religious truth by an Act of Parliament. They had Hindooism in India—they had the Roman Catholic religion endowed at Malta—they had the revenues of the Church of Lower Canada contributing to the support of the Roman Catholic religion—and they had the Presbyterian Church established in Scotland. How then could they say it was to maintain religious truth that they had a Protestant Church established in Ireland? They had established these religions over the empire, because they were the religions of the majority of the people. They had established the Presbyterian religion in Scotland because it was that of the majority, and he, therefore, asked why it was that they insisted on establishing in Ireland the religion of the minority, and of a very small minority? There was published last week *The Book of Common Prayer*, printed from the manuscript originally annexed to Stat. 17 and 18 Car. II., c. 6 (Ir.), and now preserved in the Rolls Office, Dublin, by Archibald John Stephens, barrister-at-law, under the distinguished patronage of the Ecclesiastical History Society, in which society he found there were three archbishops and forty-three bishops; and as showing the literary acquirements required for a bishopric, it was mentioned that one of the right rev. Prelates complained that the Greek language was irksome, as it was written from right to left. Although it was well known that the Irish language was the vernacular tongue, still no arrangement was made for having the bishops or priests acquainted with that language, or the Book of Common Prayer translated into it. It was only within the last fifteen years that a class was established in Trinity College for the study of the Irish language. They had had the Irish people speaking very generally the Irish language. But they had a Church established there for centuries, which, so far from disseminating the Scriptures, or advancing the religion it professed to teach, had caused to be enacted that no Irishman, who did speak the Irish language, should be inducted to a cure until proclamation had been three times made to see if an Englishman could be got. The evident purpose for which the Church had been established was confiscation — the purpose of becoming, as it were, a draw farm for England. He maintained that it had been used for political purposes. Did it elevate the people in the social scale, or tend to make them more moral? It had no such effects; and it was only making hypocrites of the people to induce them to support a Church whose doctrines they believed to be untrue, and whose preaching they declared to be unsound. Ought the Irish Church then to be maintained on political grounds? He was not aware of any one advantage to be gained by doing so. No one would deny that already that Church had greatly disturbed the tranquillity of Ireland. Somebody once said that the Protestants, after the Reformation, went to Ireland with the sword in one hand and the Bible in the other; that they drew the sword, but that they forgot to open the Bible. In fact, the whole system of aggravated outrage in Ireland could be traced to the Church as a political establishment. Captain Rock, the Peep-o'-day-boys, and the many other such illegal bodies, all had their origin in tithes.

> " As long as Popish spade and scythe
> Shall dig, and cut the Sasenagh tythe,
> And Popish purses pay the tolls,
> On Heaven's road for Sasenagh souls;
> As long as millions shall kneel down,
> To ask of thousands for their own;
> While thousands proudly turn away,
> And to the millions answer 'Nay;'
> So long the merry reign shall be
> Of Captain Rock and his family."

The wild justice of revenge had shown itself against the tithe proctors, and when they virtually made the landlord the tithe proctor, he was but too often sacrificed in the same way. If, then, the Irish Church was not be maintained on religious nor political grounds, he knew not upon what other ground. But he knew that the great majority of the Irish people had made up their minds that that large Establishment should be, if not altogether abrogated, very much mitigated, and that object he should use his best exertions to attain.

Mr. GEORGE A. HAMILTON said,* that although he was unable to express his concurrence in many of the observations of the right hon. Baronet the Secretary for the Home Department, or indeed, in the general tenor of his speech, he felt bound to offer his acknowledgments for the course which the right hon. Gentleman had declared it to be the intention of the Government to take, namely, to meet the Motion before the House by a direct negative. It would be impossible, he (Mr. Hamilton) thought, for Her Majesty's Government to take a more fatal step than by showing any hesitation in reference to this Motion, to give rise to a new agitation of the Church question in Ireland. Although he (Mr. Hamilton) was not, and never should be, afraid to enter upon a discussion of the case of the Church in Ireland, he would not hesitate to acknowledge that he felt regret that the Motion had been brought forward by his hon. and gallant Friend the Member for Middlesex at the present time. He was sorry, because he thought it must have come within the observation of every hon. Member, that since the acrimonious discussions which used to take place every Session formerly on the subject of the Church in Ireland had been abandoned, he might say by common consent, there had been a remarkable subsidence of party feeling in Ireland; and he was afraid the renewal of these discussions would have the effect of reviving that party feeling. He would not follow the hon. and gallant Member in the statement he had made of the ancient abuses of the Church in Ireland, further than to say, that if it was the case that the Church in former times had failed to carry out its important objects, as fully as perhaps it might have done, the failure was attributable to those very abuses; and the existence of those abuses was attributable not to the Church itself, but to the fact that it was then used by Government and this country as a political engine, and not as a religious institution: and if Her Majesty's Ministers were liable to the charge of inconsistency as regards this subject which had been made by the hon. Member (Mr. Osborne), it was because in the struggle of parties in this country for power, the Gentlemen who now formed the Government had dealt with the question of the Irish Church as a political question, and had used it, when in opposition, for their political objects. The hon. Member for Middlesex had challenged any one to say on what grounds it was that the Church in Ireland could be defended? He (Mr. Hamilton) would answer at once—upon the same grounds upon which the Church in England, or anywhere, is to be defended, namely, as the depository and instrument of religious truth; as a homage on the part of the nation to religion; and as a means of promulgating and extending truth : and he would assert fearlessly that there never was a Church more efficient and active than the Church in Ireland at the present time in discharging those holy functions. This, indeed, was proved by the speech of the hon. Member for Cork county, and the inconsistency of the charges he made against the Church—he found fault with the state of the Church in former times because of its inactivity and inertness; he found fault with it now, because of its activity and zeal, and accused it of encouraging hypocrisy. Regarding the Church as a great instrument for the advancement of religious truth, and resting his defence of it on the high principles and considerations to which he had adverted, he (Mr. Hamilton) was not disposed to enter upon the question of upholding it with reference merely to calculations of much or little as regards its property; but he was no advocate for abuses, and should be always most anxious that any should be corrected which could be shown to exist. He was, therefore, the more desirous to place before the House the actual state and condition of the Church in Ireland at the present time. There was no subject which at all times had led to greater exaggerations than the property and the supposed abuses of the Irish Church. Lord Althorp, in the very speech alluded to that night by the hon. Member for Middlesex, had declared that of all matters which had ever come under his consideration connected with Ireland, the exaggerations respecting the property of the Established Church were the greatest. Many most absurd statements had been made recently on the same subject—and in the present debate his hon. and gallant Friend the Member for Middlesex had fallen into an exaggeration little short of that which was so characterised by Lord Althorp in 1833. The hon. Member had stated that the property of the Church amounted to no less a sum than 852,000*l.* a year.

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* From a printed Pamphlet.

MR. OSBORNE: No; I said 600,000*l.*

MR. HAMILTON: He had taken down the words of the hon. and gallant Member: he had understood him to state that the income of the clergy was 680,826*l.*, but that the property of the Church in Ireland was altogether 852,000. But however that might be, he was most anxious to put the House in possession of accurate information on the whole subject. With this view, he had taken great pains to ascertain correctly the state and condition of the Church in Ireland at the present moment in every particular, and he could assure the House of the accuracy of the statement which he was about to make. The abuses to which Church Establishments generally were liable, and which were usually made a matter of particular complaint against the Church in Ireland, were pluralities, sinecures, unions of parishes, non-residence on the part of the clergy, and excessive wealth. He would deal with each of these topics in order. With regard to pluralities, it was frequently stated in the House — and, no doubt, many hon. Members supposed— that pluralities existed in Ireland to a great extent, and that there were no means or disposition to correct that evil. But what was the fact? Between the years 1834 and 1843 thirty-four pluralities have been abolished: in the latter year only eighty-one remained in Ireland. Since that period the process of abolition had been continued. No plurality could be created or continued after a vacancy, except through a dispensation granted by the Lord Primate; and he (Mr. Hamilton) was enabled to state, that not a single dispensation had been granted by the Lord Primate since the year 1828. So that, in point of fact, under the administration of that distinguished prelate, the system of pluralities which existed formerly in the Irish Church was in course of abolition. The next subject of complaint was sinecures. But under the Church Temporalities Act, and the 4th and 5th William IV., c. 90, ample provision was made for the correction of this abuse. The Lord Lieutenant in Council, on the recommendation of the Ecclesiastical Commissioners, is empowered to suspend all sinecures in the Church. Since the year 1834 he believed that power had been exercised in every instance in which a sinecure had become vacant, and, of course, it follows that sinecures will soon cease to exist. The next defect to which he would advert was unions. He was quite ready to admit that at one period unions existed to a very great extent, and constituted a great abuse. The origin of these unions was to be found in the vote of the Irish House of Commons in the year 1735, by which the tithe of agistment was abolished, and the condition of the clergy so much impoverished that it became necessary to form unions of parishes in order to afford a subsistence to a clergyman. Ireland was then principally under pasture; and as tillage and the growth of corn increased, many of these unions became very considerable in point of income. But this evil, also, was in course of correction. By the Church Temporalities Act, and the 4th and 5th William IV., c. 90, the Lord Lieutenant may dissolve unions and disunite any rectory, vicarage, or tithes, from any archbishop, bishop, dean, archdeacon, or prebend, with the consent of the bishop of the diocese, and form a distinct parish; and by the 106th section of the former Act, the Lord Lieutenant, with the consent of the Privy Council, may even divide parishes, where the value exceeds 800*l.* a year. The Lord Primate states in his Charge delivered in 1845, that fifty-three unions had been dissolved during the preceding eleven years. But it was not possible that all unions could be dissolved. When hon. Members spoke of unions being a great abuse and grievance, they were not, perhaps, aware of the circumstances which rendered the existence of these unions in some cases unavoidable. In some parishes there was no provision whatever for the cure of souls. The Commissioners of Public Instruction mention, in the year 1834 return, page 74 in their corrected summary, fifty-seven parishes as being without any provision whatever: of course, they must be united to the adjoining parishes. In many other parishes there was an insufficient provision for a clergyman. He would give a few instances by way of illustration.

In the diocese of Armagh there was the parish of Stickillen, the vicarial tithe rentcharge of which was 12*l.* 10*s.* It is united to Ardee. Maplestown parish, vicarial rent-charge 6*l.* 4*s.* 9*d.*: united to Charlestown. But it was needless to multiply instances. There were also other circumstances which rendered unions unavoidable. In the city of Cork, one whole parish was occupied by a distillery, another by a sugar-house. The union of St. Patrick's, Wexford, consisted of no fewer than fourteen parishes, which would appear to constitute a great abuse; but when you come to look into it, you will find that one of these parishes—St. Tulloque — is just forty yards square, another 100 yards square, and two others 200 yards each. He only mentioned these facts for the purpose of showing that it was impossible to do away with unions altogether, and that the existence of unions are not necessary proofs of abuses. In corroboration of this, he might again quote from the Primate's Charge in 1845. He states as follows:—

> "A Royal Commission was appointed fifteen years ago, to inquire into the union of parishes, and to report on the fitness and practicability of dissolving them. A majority of the commissioners were laymen of high character and station. The result of their inquiries (which proceeded only as far as the province of Armagh) was, that, in regard to the unions in that portion of Ireland, 110 in number, there were forty-eight which it would be either impracticable, or unadvisable, to sever."

Such a statement, coming from such a quarter, ought to lead people to pause before they condemn in a sweeping and indiscriminate manner, the existence of any unions whatever of parishes. The next matter of complaint was non-residence on the part of the clergy. He had not been able to obtain returns from every diocese in Ireland, but he had obtained returns from four of the largest dioceses, comprising 514 benefices, and he would state the results. In Armagh diocese, the number of beneficed clergymen in the year 1819 being eighty-two, the non-residents amounted to fifteen. In the year 1849, when the number of beneficed clergymen had increased to 102, the non-resident clergymen were only five; and two of these five were non-resident on account of illness. In Meath, which was the largest single diocese in Ireland, the number of beneficed clergymen in 1819 being ninety-four, the non-residents amounted to twenty. In 1849, the beneficed clergy having increased to 107, the non-residents are reduced to seven. In Ossory and Ferns, the beneficed clergy in 1819 being 147, the non-residents were forty-five. In 1849, when the beneficed clergy had increased to 184, the non-residents did not exceed nine. In the diocese of Cashel, Lismore, and Waterford, in 1819, the number of beneficed clergymen being 109, the non-residents were fifty-two. In 1849, the beneficed clergymen having increased to 121, the non-residents were only nine. He believed if he had obtained returns from the remainder of Ireland, they would have shown the same result. The next point to which he should revert was that which had always been the occasion of so much exaggeration in all debates—namely, the wealth of the Irish Church. The property of the Church may be divided into that belonging to the bishoprics, ths dignitaries, and the parochial clergy. With regard to the parochial clergy, Mr. Quin, one of the Ecclesiastical Commissioners, and the best authority on the subject, states, in his evidence before the Committee on Ministers' Money, that the nearest approximation he has been able to make of the income derivable from the different benefices in Ireland, would make the gross amount 453,094*l.*, and the net 369,660*l.* But the poor-rates struck during the last year amounted to 2*s.* 9½*d.* in the pound on the whole landed property of Ireland as an average; and as he (Mr. Hamilton) had recently stated, that poundage in the case of the clergy was deducted upon their gross income, and whether the rate was paid by the occupier or not; the case, therefore, would stand thus:—

Net income as above stated …………	£369,660
Deduct poor-rates, 2*s.* 9½*d.* in the pound on the gross ………………………	63,244
	£306,416
Deduct stipends to stipendiary curates as set forth in return of Commissioners of Inquiry, 1835……………	56,708
Income of beneficed clergy …………	£249,708

This he (Mr. Hamilton) believed to be beyond the reality; for the number of curates was now considerably more than in 1835. But assuming it to be correct, and taking the number of benefices to be 1,445, the sum of 249,708*l.* divided amongst them would give an average for each benefice of 172*l.* 16*s.* 2*d.*; or, dividing the sum of 306,416*l.* by the total number of the clergy, incumbents, and curates, which was 2,165, the amount of stipend for each would be 141*l.* 10*s.* 7*d.* Supposing, therefore, an equal distribution of the property of the parochial clergy on congregational principles, there would be for each beneficed clergyman 172*l.* 16*s.* 2*d.* a year; or, if shared alike among incumbents and curates, a yearly income of 141*l.* 10*s.* 7*d.* And, taking the statement of the Commissioners of Public Instruction in 1835 as correct (and it is generally admitted to be greatly below the reality), and making no allowance for the increase of population since, there would be 1,445 clergymen to 852,064 members of the Established Church, giving a congregation of nearly 590 persons to each benefice, without taking into account the Presbyterians and other Dissenters who, in many parts of Ireland, attended the Established Churches.

But the hon. Member for Middlesex had said that averages were deceptive, and it might be supposed that, although on the whole the sum he had named might be the average, dividing the annual property of the Church by the number of clergymen, yet that there was a great disproportion in the value of benefices, and that many were extravagantly large. He (Mr. Hamilton) was prepared for that objection; and having made inquiry with regard to the wealthiest benefices in Ireland, he held in his hand a statement of all the particulars of the 20 benefices which are largest in amount, and he would show it to any hon. Member who might desire to see it. He would not trouble the House with the details; but the result is, that the net available income derivable out of the 20 largest benefices in Ireland—and, as he had stated, he held the particulars of each one in his hand, and any hon. Member might examine it—gives an average of a church population of 2,764, and an income of 706*l.* a year for each, which could not be considered as a very extravagant amount as an average for the largest livings. He would just mention the case of two or three of these benefices. The largest benefice in Ireland, according to the return of the commissioners in 1836, was that of Templemore, the gross income of which is stated to have been at that time 3,224*l.* The circumstances of Templemore at the present time are as follows: It is a union consisting of three rectories appendant to the deanery of Derry; there is a population of 9,000 members of the Established Church within the benefice, besides a number of Dissenters who attend the churches. In charge of the incumbent there are the cathedral and eight other churches; he has nine curates, fifteen schools, attended daily by more than 1,000 children. The benefice is not liable at present to any ecclesiastical tax, the incumbent having been appointed previous to the passing of the Church Temporalities Act. Deducting curates' salaries, poor-rates, county rates, and other necessary legal charges, the net income is 1,552*l.* for the incumbent of such a benefice; and when a vacancy shall occur, the union will be dissolved. Now that is the case of the largest living in Ireland. He would take another instance, that of Armagh.

This benefice consists of a union of five parishes, contains a church population of 7,766, there are nine churches, and eleven curates, no glebe-house. In 1836, the gross income was 2,187*l.*; in 1849, the net income, deducting only what may be considered as the legal necessary charges, is little more than 500*l.* It is held by a distinguished divine, formerly a Fellow of Trinity College. In the next return, which he held in his hand, the benefice in 1836 is stated to have been 2,077*l.*; there are now in that benefice 7,500 members of the Established Church, three churches, five curates, eleven schools with 1,400 children, and the net income is 703*l.* These are samples of the large livings about which so much exaggeration had taken place. But it was said there were benefices in Ireland with no congregations, or very small ones; and this likewise was reckoned amongst the abuses of the Church. No doubt a benefice with a small congregation is anomalous and undesirable; but then it should be recollected that this disparity in congregations is incidental to the parochial system as contradistinguished from the congregational system. Those who, like himself, were favourable to the parochial system, must be prepared in some instances for this anomaly, and England was not exempt from it. He (Mr. Hamilton) had a statement in his hand, from which he could show in every diocese in England many parishes with very small congregations, greatly disproportionate to the income of the benefice; and if this circumstance constituted an objection to the Church in Ireland, it applied equally to the Church in England. It appeared from a statement of the Commissioners of Public Instruction, that in the year 1834 there were in Ireland forty-four benefices in which there were then no members of the Established Church; but twenty of these had already lapsed to the Ecclesiastical Commissioners, and the greater portion of the remainder would lapse as they became vacant. The sum of the net income of the twenty-one which remained was only 1,235*l.* annually. Several of them had now congregations. Besides these twenty, in which there were no members of the Established Church in 1835, he had taken the eighty benefices in which, according to the same returns, there were the smallest congregations. He held in his hand a list of them, and a statement of the particulars. In many of them the congregations had increased considerably; and the sum of the net income derivable out of these eighty benefices was only 9,049*l.*, giving an average of only 113*l.* to each; so that it happened, that, with some exceptions, the benefices in Ireland, with small congregations, were also small in emolument. And the summary of the case of the parochial clergy, according to the statement he had made, was as follows: the general average income to each clergyman, supposing the property of the parochial clergy to be equally divided among all the clergy, would be 141*l.* 10*s.* 7*d.*; the general average to each beneficed clergyman, supposing it were divided equally between all the beneficed clergy, would be 172*l.* 16*s.* 2*d.*; the average income of the twenty wealthiest benefices, 706*l.*, with a church population of 2,764 to each; and the average income of the 100 benefices which contained the smallest congregations, 102*l.* each. The next point to which he should advert was the incomes and position of the dignitaries and prebendaries of the Established Church. In these he comprised the property of the deans and chapters, of the deans, archdeacons, precentors, chancellors, and prebends. In the first place, he would observe that the Church Temporalities Amendment Act, the 4th and 5th William IV., c. 90, provides for the abolition of all dignities to which no cure of souls is attached. In the next place, he had to state, that, of 139 dignitaries in Ireland, there were but eight who had houses assigned to them as such; they were, in general, parochial clergymen—like the Dean of Derry, whose case he had quoted — and acted as such. And with regard to the prebendaries, some of which in England were so valuable, there were 178 in Ireland; not one of them had a residence in right of his prebend, and 105 never had any income whatever attached to them: those having income and being without cure of souls were in course of abolition. The gross income of the deans, archdeacons, prebends, deans and chapters, was about 23,000*l.* annually, and the net income not 21,000*l.* He came now to the bishoprics, which had been peculiarly the subject of exaggeration. It was manifestly intended by the framers of the Church Temporalities Act that the minimum of a bishop's income in Ireland should be 4,000*l.* a year; for it was provided in the 125th section of that Act, that if at any time the emoluments of a bishopric should fall below that sum, the Ecclesiastical Commissioners should make up the full value of 4,000*l.* The gross income of the ten Irish bishoprics amounted to 44,523*l.*, and the net to 40,553*l.*; giving an average of 4,055*l.* He did not think this could be considered an excessive income, when it is recollected that bishops have to support the position of noblemen, and have peculiar claims upon their generosity and charity. The salary of a Judge is 3,700*l.* a year, and the judges' registrars are paid from other sources, while the fees of a bishop's registrar are reckoned among the bishop's emoluments. In Ireland the bishops hold visitations every year, which, of course, entails a considerable expense; in England the bishops hold visitations only once in every three years. In England the average net income of the bishoprics is 5,930*l.* With regard to the two Irish archbishoprics, their net income was 15,808*l.*; so that the total income of the Irish episcopate was 56,361*l.* He (Mr. Hamilton) had now placed before the House the actual position of the Church in Ireland with reference to its property. As he had already stated, he held in his hand the details upon which these results were founded, and which were open to any hon. Member. He had felt it his duty to lay this information before the House, for the purpose of exposing, and, he hoped, of preventing in future, the gross exaggerations which some hon. Members were in the habit of repeating with regard to the wealth of the Church in Ireland. The hon. Gentleman the Member for Mayo had stated that the Church ought to be abolished, on the grounds that it had not fulfilled the objects for which it had been established; and he had used language respecting it which certainly was calculated to provoke retaliation. But he (Mr. Hamilton) would not allow himself to be provoked into any acrimonious discussion. Without taking any higher ground, he could not help saying, that after the willing sacrifice of life and property made by the clergy during the recent calamity, he could scarcely have imagined that any Gentleman would have expressed a wish to see removed from that country a body of educated and benevolent men, whose residence among the people was productive of so many advantages. But he (Mr. Hamilton) frankly confessed, that whatever might be the social benefits derivable from the continuance of the Established Church in Ireland, it was his belief that that Church was to be supported principally on the ground that it was the duty of the State to recognise and uphold it as an institution for promoting and extending religious truth. And, further, he would not hesitate to declare, that he thought the Church in Ireland was to be maintained as a missionary church. He recollected full well an expression of the noble Lord the Member for Arundel, in that House, in which he (Mr. Hamilton) fully coincided, and which he should not forget. The noble Lord, in defending the Roman Catholic Church, had stated, with his usual frankness, that he would not give a farthing for a Church which was not aggressive. That was his (Mr. Hamilton's) feeling also. It was the object and business of a Church to promulgate what it believed to be truth, and expose what it believed to be error—of course with the moderation and charity which became Christians; and it was by such collisions that truth would ultimately prevail. He felt persuaded that the destruction of that Church would be a serious calamity to the people of Ireland at large; and he found that the noble Lord at the head of the Government had expressed a similar opinion in the year 1846, immediately after having succeeded to office. The noble Lord then said—

> "I believe that with respect to what some have proposed, namely, the destruction of the Protestant Church in Ireland, there could be no worse or more fatal measure sanctioned by Parliament. I believe that it would be politically injurious, because I believe that many of the most loyal in Ireland—many of those the most attached to the connexion with this country, would be alienated by the destruction of that Church to which they are fondly attached. I believe that, in a religious point of view, it would be the commencement of a religious war—that there would be that which does not at present prevail, the most violent and vehement attack upon the Roman Catholic Church, and that the Roman Catholics themselves would be the first to complain of the destruction of the Protestant Church."*

In the sentiments then expressed by the noble Lord, he (Mr. Hamilton) entirely concurred. He believed that the great mass of the Roman Catholic population in Ireland had a strong feeling that the ministers of the Established Church were beneficially employed in maintaining the social system, and in administering the charities of life, and that by their removal an irreparable injury would be inflicted on every class and denomination in that country. He had to apologise for having trespassed so long upon the patience of the House. He would refrain from entering upon any other part of the question, and would conclude by expressing his strongest opposition to the Motion of the hon. and gallant Member for Middlesex.

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* Hansard (Third Series), Vol. lxxxiv., p. 102.

Mr. HUME said, he had been seldom so gratified with any speech on this subject as with the most convincing, satisfactory, and moderate speech of his hon. Friend the Member for Middlesex. Not one of the points noticed by his hon. Friend had been answered, whilst the time of the House had been taken up by the hon. Gentleman the Member for the University of Dublin, with matters which he never touched upon, such as sinecures, pluralities, and non-residence on the part of the clergy. Neither had the right hon. Gentleman the Home Secretary grappled with the points which had been brought forward by his hon. Friend. The hon. Gentleman the Member for the University of Dublin said, that the Church of Ireland was not so wealthy as was supposed. But it was not a question of wealth. It was the degradation which must be felt by the Roman Catholics of Ireland, who formed the great majority of the nation, at being called on to contribute to support the church of the minority. It was the placing that stamp of degradation on every Catholic, that proved such a social and moral injury to the whole country. He looked upon the Motion of his hon. Friend in a financial and social point of view, as one of the utmost importance. The right hon. Baronet the Home Secretary admitted that this was an evil and an abuse which did not exist in any other country in Europe; but he says the time had not yet come for doing away with it. This Church of Ireland, which was said to have taken root 300 years ago, had grown very badly; and if it had struck any root at all, he was afraid it would not grow better now than it did 300 years ago. His hon. Friend had shown that, in spite of all the degradation and oppression of the Roman Catholic Church, it had grown eightfold, whilst the Protestant had only increased twofold. Was it not time, then, that this country should have its eyes opened, and know that the Protestant Church, supported as it now was, cost them the maintenance of 50,000 men, besides the evils that arose from a disorganised state of society? Why should they not prevent such a state of things? What, he asked, could be more degrading to men than that they, the majority of the nation, should be forced to pay and support the clergy of a minority whose great object was to preach against the religion of that majority? The right hon. Home Secretary had not grappled with the letters and speeches which had been read by his hon. Friend, which showed—what was so discreditable to the members of any church—that these very persons who were paid by the majority became firebrands against society, and preached antagonism instead of union. Would Scotland be quiet, would she be as prosperous as she now was, if they had succeeded in imposing upon her a church which was not the church of the majority? On the contrary, she would have been the wretched divided country that Ireland now was. They might judge of the effect of a foreign church by its fruits and results in Ireland. When the right hon. Gentleman said that this was not a proper time for the Motion, why did he not fix some period when the proper time for it would arrive, or why did he not give hope of a measure which would relieve Ireland from her present state? The people of England enjoyed their own Church, and the revenues belonging to it. The people of Scotland enjoyed their own Church, and the revenues belonging to it; but in Ireland things were reversed, and the majority were made to support the church of the minority. That was the cause of the discontent which existed in Ireland. It had been said that of late years no complaints were made on this subject. It was the discontent arising from this heavy grievance which had produced in great measure the agitation for repeal, which had so long disturbed the country. He called upon the House to bear in mind how emphatic were the expressions of the right hon. Gentleman the Member for Tamworth, when, taking leave, as he announced, of power, he proffered his support to his successors in office, on the condition, more especially, of their applying themselves to the removal of the anomaly now in question, for the particular expressions made use of by the right hon. Gentleman could apply to no other subject. It was most natural that the right hon. Gentleman referred the solution of a difficulty which he himself had not been able to cope with, to Gentlemen who for the last forty years had been arraigning the system. There was no question, however, but that this subject must be grappled with; the Anglican Church in Ireland must be removed, for he did not concur with his hon. Friend in admitting a compromise. Twenty-six years ago, indeed, when he himself brought the question before Parliament, he had an idea that a compromise might be practicable; but all his subsequent experience had taught him that he had been mistaken in this notion. The English Church in Ireland must depend for support upon the members of that Church. And if hon. Gentlemen opposite were as satified as they professed themselves to be that the principles of this Church were the only principles that were entitled to be maintained, there could be no real fear on their part that due support would be withheld by its members. Their eagerness, however, in clinging so fixedly to the revenues of the Anglican Church in Ireland, clearly showed their opinion that without the support of those revenues the Church itself would fall. These revenues were clearly public money, which had been taken by Parliament from one sect and given to another, and which were still, as much as ever, at the disposal of Parliament.

Mr. PAGE WOOD said, he wished briefly to explain the grounds upon which he meant to give his vote on the present question, as well as to offer one or two remarks on the speech which the House had just heard from his hon. Friend the Member for the University of Dublin. Although he was much pleased with no inconsiderable portion of that speech, yet his hon. Friend must permit him to take the liberty of saying that he had not grappled with the real difficulties of the case. But before he proceeded to establish that proposition, he should say he was deeply convinced that there was much matter for congratulation in the fact that the Irish branch of the Established Church had at last shown some symptoms of awakening—that some life had at length been manifested in a body which had been so long dormant, and which had so deeply failed in its holy mission. But the members of that Church, it was well known, formed only a small portion of the Irish nation; and it was to be remembered that on that evening the House was discussing a great national question, and that it was one relating to a nation that had long been treated with indignity by a minority, which, without meaning anything offensive, might be pronounced a very small minority. To speak then of one or two pluralities being abolished in this Church of the minority, or the like, was a mode of dealing with the subject which he might designate as paltry and inadequate. There was in Ireland a nation of 8,000,000 of souls, and they were that night called on to deal with a Church, the members of which did not number the eighth part of those 8,000,000, and that eighth part, instead of increasing, had of late been rapidly reduced. Those were the statements on one side of the debate, and he would inquire, had they been answered? The question which had that night been brought before them, was one with which they must deal. It had been said that the present was not the time for that purpose; nevertheless the previous question had not been moved, and the proposition of his hon. and gallant Friend had been met by the Government with a direct negative. It was, perhaps, not the best time for making such a proposition, because he apprehended that the time had long since passed away when it should have been brought forward. He should vote for the Motion; but in agreeing that the House do resolve itself into a Committee for the purpose proposed, he begged it to be understood that he by no means felt himself bound to follow the hon. and gallant Member for Middlesex in working out his details. It appeared to him that every person must agree in considering the question before them to be one of a very serious nature, and one the decision of which could not be much longer delayed. It appeared to him, also, to be a great mistake to suppose that under English rule Ireland had ever possessed a national Church; it had originally been, and had continued to be, the Church of the conquerors, and without any hold on the affections of the conquered. That state of things, however, was not a necessary result of conquest. Wales had been conquered by this country; why was there not the same difficulty there as in Ireland? Principally, he thought, because the estates of the natives had not been confiscated. With the exception of a few cases on the marches, the Welsh lands were not handed over to Norman nobles. The English did not force on the people of Wales a condition of society which so lamentably distinguished the inhabitants of the Pale from the native Irish. Peace prevailed in Wales, though Wales had been conquered, because, for the most part, the ancient estates were left in the hands of the original owners, and not divided and parcelled out amongst a body of Norman nobles. There were no separate interests such as distinguished the mere Irish from the English of the Pale. The Church in Ireland was a branch of that Church which he believed to be the purest portion of the Christian Church; but yet, as an establishment, it was an establishment for the English of the Pale, and not for the nation. In the establishment of that Church no more account was taken of the Irish people than we should now take of the aborigines of New Zealand; not so much, perhaps, for they had not in recent arrangements been disregarded; it might rather be said, that no more account was taken of the Irish when Henry VIII. established our Protestant Church in that country, than we took of the American Indians in the provision made for divine worship on the other side of the Atlantic. The Church of the Pale was not the church of the people, and that, after all, was the original grievance. In England the church property, that property which he should not call the property of the State, but that property which had been created by the piety of individuals, and devoted to pious uses, was transferred from persons professing obedience to the Church of Rome to the Reformed Anglican Church, with the full consent of a large majority of the people of England. But in Ireland it had to be dealt with as the property of a Church which had no sympathy with the people. The property of the Church in this country had been legitimately transferred, or rather its holders themselves had reviewed and reformed their principles; but in Ireland the transfer had been illegitimate, and hence the false position in which the Government of England had from the outset been placed in that country. The hon. Member for the University of Dublin had spoken of the Church in Ireland as a missionary church, but that was a different thing from an established church; and, if a missionary church, he would ask how she fulfilled her mission? Those whom she had been appointed to convert, instead of being converted were doubled in their numbers. Bishop Berkeley had put some queries on this subject, which he thought well worthy of notice, one of which was, should any scheme intended for the whole community be limited to a part? The second was, should there be any attempt made to convert a people without the agency of their own language? The third was, did not the Romish Church supply powerful instruments for its purpose in the various ranks of its clergy, from the cardinal to the mendicant; and were not the poorer portion of its clergy amongst its most efficient agents? One great defect of the present system was, that the endowments being confined to the clergy of a small portion of the people, an aristocratic class had been created in the clergy, who held no communication with the great body of the poor, and who were indeed ignorant of their language. He would now state his views as to the remedy to be adopted, and how far he differed from the scheme suggested by the hon. and gallant Member for Middlesex. That hon. Gentleman desired the total abolition of the Established Church in Ireland. They had already taken ten bishops from that church—a measure which he (Mr. Wood) very much regretted. The hon. Gentleman proposed to remove five more bishops, and had told them that if he could he would abolish the whole Establishment. This, he could not consent to; but he thought, under existing circumstances, a compromise was necessary. He did not entertain quite so magnificent a notion of bishops with regard to temporal emolument as the hon. Member for the University of Dublin. He did not think it necessary that a bishop should have 4,000*l.* a year. He knew an admirable bishop of the Episcopal Church in Scotland, the late Bishop of Perth, who had only 70*l.* a year; and no bishop could be more honoured or respected by all who were under his ecclesiastical superintendence. He did not mean to say, however, that bishops should have no more than 70*l.* a year. He would say to the Established Church, "Since the emancipation of the Roman Catholics, the Pale is broken down. You never were the church of the nation; you were only the church of the Pale. You and your ministers shall be provided for. You may have your bishops, and you shall be in as favourable a position as the Church of Rome—you shall choose them yourselves; but the State will no longer recognise you as the State Church. You shall have a portion of the endowments you now possess, but a portion of them shall be applied to meet the general spiritual wants of the whole nation." He would certainly not give 4,000*l.* a year to the bishops. He thought 1,500*l.* a year each would be ample; but he was willing to go lower than that. On the grounds he had stated, he would support the Motion.

Mr. NAPIER: At this late hour I do not intend to detain the House with any lengthened observations. I am fully satisfied with the able, temperate, and unaffected statement of my hon. Colleague, which is quite sufficient to sustain the case of the Irish branch of the Church, and especially to extinguish the habitual misrepresentation as to the amount of its property. One other misrepresentation I feel it proper to correct; and particularly so, as it has been reiterated by the hon. and learned Member for Oxford (Mr. P. Wood). He makes our Church to be an institution established by Henry VIII., and its property he alleges to have been transferred by Act of Parliament from the Roman Catholic Church, to which, as he suggests, it previously belonged. If this were so, it silences the argument on the part of Roman Catholics, that a Church should not have public endowment. But I deny the statement—I challenge the proof of it. Show me the Act of Parliament: where is it to be found? Produce it if you can. No, the property was given to the Irish Church in very early times, before the Romish faith was acknowledged in Ireland, or England set foot upon the soil. O'Driscoll, a distinguished Roman Catholic historian, gives the following description of the introduction of Romanism into Ireland in the latter part of the twelfth century. He says—

> "There is something very singular in the ecclesiastical history of Ireland. The Christian Church in that country, as founded by St. Patrick and his predecessors, existed for many ages free and unshackled. For above seven hundred years this Church maintained its independence. It had no connexion with England, and differed upon points of importance with Rome. The first work of Henry was to reduce the Church of Ireland to obedience to the Roman pontiff. Accordingly, he procured a council of the Irish clergy to be held at Cashel, in 1172, and the combined influence and intrigues of Henry and the Pope prevailed. This council put an end to the ancient Church of Ireland, and submitted it to the yoke of Rome. That ominous apostacy has been followed by a series of calamities hardly to be equalled in the world. From the days of St. Patrick to the Council of Cashel, was a bright and glorious era for Ireland. From the sitting of that council to our times, the lot of Ireland has been unmixed evil, and all her history a tale of woe."

Such was the testimony of O'Driscoll, the Roman Catholic historian. I assert that the Established Church is identified with the earliest Church of Ireland, of which it preserves the purity of doctrine and discipline. Have they altered the discipline? Their bishops are the successors of the early bishops of the Church. Whether in doctrine or discipline, I am willing to put the matter to the test. I am ready to try its doctrines by the word of God, and to prove its regular succession. You want to establish the Roman Catholic religion in the place of the present Irish Church. ["No, no!"] You say "no," and why, therefore, do you want to interfere with the property of the Church? When pure in doctrine, and before it was subject to Rome, the country prospered. When the doctrine was corrupted, and the authority of Rome allowed, prosperity ceased. But, it is said, the Reformed Church has not been successful. Is it the wish of those who now assail it, to make it more efficient? I doubt their sincerity as religious reformers. I ask the Roman Catholic Members, what do you complain of in reference to the Church? You say you do not want property, but you require toleration. You have the amplest toleration. I am not here about to refer to the solemn pledges given and oaths taken as the condition on which the Emancipation Act was passed, nor do I for the present rely on the maintenance of our Church as a fundamental part of the treaty of Union. I ask the Dissenters, who profess to advocate what they call the voluntary principle, with what consistency can they interfere with the Church to which I belong, when it does not in any respect interfere with any one of their privileges? There is no public grant for the Church; it has its own property, protected by a sacred and prescriptive title and solemn treaty. It derives no aid from the public treasury, though Roman Catholics and Presbyterians do obtain public assistance. In Ireland, at least, there is not any personal charge which any man is compelled to pay to support the united Church. It was candidly admitted by the hon. and gallant Member (Mr. Osborne), that the exertions and conduct of the clergy of our Church had been most exemplary and useful; I believe there is not to be found a more faithful body of earnest and devoted men. In latter times the Church has been of real value to the country, and its influence may be traced in the localities where it is exercised. Even if you look to the mere wants of the members of its own communion in Ireland, is the property of the Church too large to maintain it, as Protestants desire it should be, in efficient decency? No doubt those who dislike its scriptural faith, and those who despise its apostolic discipline, would give an unfavourable answer: but they are surely not the judges of what in this is right and proper. The Church which upholds the faith of 1,800 years, and challenges a free appeal to the pure word of God, has a title to be honourably sustained. I admit that, in former times, it did not perform its great duties in Ireland. But why was this? Its appointments were made subservient to the political convenience of England: and those who had the patronage abused it for unworthy objects. What is the remedy? Give us godly and learned bishops, men who will maintain and encourage God's truth, and edify the people. Let your appointments be made in this spirit; protect the Church in its rights, encourage it in its duties, and use it as the great institute for imparting saving knowledge and true blessing to the people.

Mr. PAGE WOOD explained. He had never stated that there had been an express Act of Parliament for the purpose of establishing the Church of England in Ireland; but it was very certain that various Acts were passed for the purpose of imposing tests, and as the object of those tests was avowedly the exclusion of Roman Catholics from power, place, and emolument, he thought he was justified in saying that there had been legislative enactments for the formation and growth of the Establishment.

Mr. M. J. O'CONNELL said, the question at issue was not what was the old religion of Ireland, or who were the present descendants of the original bishops and clergy. At the time of Henry VIII. the clergy and bishops were not married, and how they could have any lineal descendants at all was a matter which he could not very clearly comprehend. But on that he would not dwell. The question they had to consider was, what was the religion at the present moment of the great masses of the Irish people. What was the religion of the great majority—the poor majority of the Irish people: what was the religion of that majority for whose use established churches had by all been defended? Certainly it was not the Protestant religion. But however desirable reform might be in this matter, he was for respecting the vested rights of the working clergy, yes, and of the laity too of the Protestant Church. But he certainly did think that great reductions might be made. It was hard to know what was the real revenue of the Church. In 1845, during the debate on the Appropriation Clause, the right hon. Baronet the Member for Tamworth had estimated it at 450,000*l.* a year; but the Earl of St. Germans, then Lord Eliot, quoted some statement of the Ecclesiastical Commissioners to show it was only 350,000*l.* The statement, however, was subsequently admitted to be incorrect. From his own calculation, which he had made most carefully, he found that since the alteration in the tithe laws the gross receipts by the Irish Church, on an average of four years, had been 808,000*l.*; and, making various deductions to which that was subject, he found that the revenue amounted to between 650,000*l.* and 670,000*l.* He found from a report that had been made, that the only dioceses which had not been consolidated under the Act of 1831, were Armagh and Clogher. He knew nothing of the Bishop of Clogher, though he had heard a very excellent account of him; but this he had ascertained, that when those places were united, the bishop would have under his superintendence, in a very scattered district, a population of 207,000, being little less than one quarter of the whole Protestant population of the kingdom under the superintendence of one bishop. If the Bishop of Clogher could superintend so large a number, he must say that it appeared to him they had too many bishops, and that some alteration was required. The number of the clergy in parts of the country was certainly too great, and when they were paying out of a trust fund, it was evidently absurd to pay men out of a trust who had no duties to perform. There were not above 200 more Roman Catholic clergy than Protestants, although the disparity in the numbers was so great; and if it should be said that there were friars in orders outside the Roman Catholic Church, then he answered by pointing to the Wesleyan preachers outside the Protestant Church, who were more numerous than the friars. Putting aside what he considered would be a great evil, namely, the giving a kind of triumph of the one religion over the other if such an application of surplus fund was to be made, he thought that if it ever was considered desirable to make any provision for the Roman Catholic Church—which time he hoped was far distant—it ought to be done from other funds. Looking at the Protestant clergy as they at present existed, he considered them not only to be useful country gentlemen, but valuable and sincere Christians, and in all the relations of life deserving of the highest respect; indeed, their conduct towards the poor during the last three years, had raised that respect into admiration. Though he believed that one or two cases had occurred—and more had been unjustly reported—where the relief of the poor had been attended with attempts at proselytism, yet, generally speaking, more disinterested conduct had not been exhibited by any body of men than by the Protestant clergy; and, as such, they had gained the lasting respect of every honest and conscientious man. He had no hostile feeling against the Protestant Church, still, looking at the number of the population as compared with the clergy, he felt bound to give his vote for an inquiry, with a view to its reduction.

Mr. REYNOLDS expressed his regret at the speech of the hon. Gentleman who had just sat down, for until that moment he had thought that the hon. Gentleman was for relieving the people of Ireland from the incubus of an Established Church, and was not the mere advocate of a tinkering system as regarded its temporalities. He had never heard until that evening that St. Patrick was a Protestant. He was a saint; and it had been said that he was a "gentleman"—and, not only that, it had been said that he "came of decent people" but certainly, until that evening, he had never heard that St. Patrick was a Protestant. There was once a very despotic king called Henry VIII., who had a quarrel with the Pope, and he superseded the Pope and made a Pope of himself, and he decided that no Irish bishop nor Irish rector should hold a benefice unless they acknowledged him as head of the Church. The clergy repudiated his ecclesiastical authority, and the oaths were taken and the lands possessed by those of the new creed. He would not say a word disrespectful of his Protestant neighbours, but he begged leave to give the character of the Irish bishops, those loyal descendants of the Old Church, by Dean Swift, who said—

> "No blame rested with the Court for these appointments: excellent and moral men had been selected upon every occasion of a vacancy; but it unfortunately has uniformly happened that as these worthy divines crossed Hounslow-heath on their road to Ireland to take possession of their bishoprics, they have been regularly robbed and murdered by highwaymen, who seize upon their robes and croziers, come over to Ireland, and are consecrated in their stead."

These were the loyal descendants of St. Patrick. The other Member for the University of Dublin spoke to-night of averages. He was somewhat acquainted with averages, and knew how very unjustly they might be made use of. The hon. Gentleman said that the Church of Ireland was not a rich church, because the entire income would only give an average of 141*l.* 10*s.* 7*d.* per annum to each clergyman. He totally forgot to tell us that some of them had not 50*l.* a year at present. So when the right hon. Member for Tamworth was endeavouring to give the people of England the benefit of cheap food, he was opposed by people who made average calculations, who said that the aggregate amount of animal food consumed in England gave so much per head to every man, woman, and child in England, when some of the men, women, and children did not get animal food at all. So in the case of the income tax, the receipt was 5½ millions, and it might as well be said that that would give so much per head to every man who resided in England. The following summary of the revenue of the Irish Church was from a Protestant periodical, the *Daily Reporter*, of May, 1845. There were for archbishops and bishops, 151,127*l.* 12*s.* 4*d.*; deans and chapters, 22,624*l.* 5*s.* 6*d.*; glebe lands, 92,000*l.*; tithe composition, 531,781*l.* 14*s.* 7*d.*; ministers' money, 10,000*l.*; being an aggregate of 807,533*l.* 12*s.* 5*d.* That was irrespective of the income of 75,000*l.* a year enjoyed by Trinity College derived from lands and other sources. These poor descendants in due course paid the common debt of nature, and then came the probate. He held in his hand an official document touching the poverty of the Irish bishops. He found the probate duty paid upon the property left by the following bishops, up to July, 1832. The Archbishop of Dublin, 150,000*l.*; The Archbishop of Tuam, 250,000*l.*; The Archbishop of Cashel, 400,000*l.*; The Bishop of Cork, 25,000*l.*; Dromore, 40,000*l.*; Limerick, 60,000*l.*; Clogher, 25,000*l.*; Raphoe, 25,000*l.*: Killala, 100,000*l.*: making a total, with others, of 1,575,000*l.*, upon which probate duty was paid by the descendants of these descendants of St. Patrick. He did not mean to insinuate that any of these venerable persons were substituted for those other venerable persons who were robbed and murdered on Hounslow-heath, but they appeared to have feathered their nest in his country whilst they were permitted to remain there. He had heard to-night the right hon. Secretary for the Home Department make a speech, which, although it pleased the Member for the University of Dublin, did not please him much. He would have preferred him to vote as he had voted before, although he was not quite pleased with this Motion. He wished the bull had been taken by the horns, and he wished the Motion had been shaped in this form—that with respect to the life interests of Protestant bishops and clergy, at their decease the entire property should be appropriated to the use of the people. Speaking as a Roman Catholic, he totally disavowed and condemned the opinions put forth by some gentlemen of his creed, that in seeking to abolish the revenues of the Protestant Church, they were desirous to apply them to the maintenance of their own Church. They believed there ought to be no State religion; they believed that religion was weakened by its priests enjoying the mammon of iniquity. He had heard it said that the Protestant clergy were an excellent substitute for the gentry. He had nothing to say at all condemnatory of the Protestant clergy as private gentlemen; he believed that the exception of an ill-educated man among them was very small, but he was not prepared to sound the trumpet in their favour as to their affording relief to the distressed. He knew in Ireland the members of a creed who had no bishop at all—he meant the Society of Friends, and he believed that the aggregate of their charities during the two years of distress was greater than the aggregate amount of the charities of the clergy of the Established Church. On the 4th July, 1843, Earl Fortescue said, in a speech in the House of Lords, he thought the present state of the Irish Church was a great grievance, as its revenues were utterly disproportioned to the number of its followers, although in that Church there were a great many excellent clergymen. It was sometimes said that clergymen living in remote places were of use to the country. He thought the contrary. He thanked the hon. and gallant Member for Middlesex, not only for the spirit with which he had introduced the subject, but for the plain and argumentative speech which he had delivered; and he begged also to state that the discussion, being carried on with good temper, would do great good in Ireland, and would afford the people a guarantee that they were not to be deprived of their means on the one hand, nor insulted on the other, by elevating any church of the minority over their heads. He thought that ought not to be tolerated in any country.

Major BERESFORD said, that having heard the statement as to the probate duties paid by Irish archbishops and bishops, he thought it right to state, and he knew it from official documents, that all the statements made respecting the Archbishop of Tuam were as equally destitute of foundation as the present. It was said that the Archbishop of Tuam left property on which probate was paid to the amount of 250,000*l*. It was not the first time that this statement had been made. When he heard it made, he appealed to his hon. relative and the nearest heir-at-law of the very venerable Prelate, the present Lord Decies, and from him he received the most distinct refutation of the statement, and he also received from the lawyer employed to administer to the property of that prelate, a most distinct refutation of the statement. He declared that the probate duty paid on the late Archbishop of Tuam's property was 40,000*l*. and not 250,000*l*. Such premeditated statements were regularly brought forth to impugn the authority of the Church. He believed that the members of the Church of Ireland were worthy of being put in comparison with the members of any Church in the world. He trusted then that the House would believe him when he said that the statement was unfounded in fact, and therefore not fairly to be used in argument in that House.

Mr. REYNOLDS explained that he had not the circumstance as a fact within his own knowledge. He had taken it from a public document, for the accuracy of which he begged to refer the hon. and gallant Member to the Stamp Office.

Mr. J. O'CONNELL did not rise to allude to the subject-matter of debate, but simply to enter two protests. In the first place he protested against the inference that the Irish people were indifferent to the monstrous injustice of the Irish Church Establishment, because they had not for some time petitioned Parliament on the subject. The fact was, that even previous to the famine they had looked upon petitioning as useless, and looked to repeal of the Union as the preliminary step for redress of this, along with other grievances. The other protest he had to make, was against the principle laid down by the hon. Member for Mayo, namely, that it would be wise to endow the Catholic clergy. Speaking from his general knowledge of both priests and people, he could say, that they would rather the Church Establishment remained as it was, than that there should be any State endowment for the Catholic Church.

MR. OSBORNE: Sir, I have no reason to regret the tone which this debate has assumed, or its upshot; but at the same time I cannot help thinking that we are present on a very melancholy occasion. We are present to witness the decease of another Whig principle. We have heard of the birth, parentage, and history of the famous Appropriation Clause, and we are now summoned to attend its obsequies—a melancholy occasion no doubt. The right. hon. Baronet the Secretary for the Home Department acts as chief mourner, and sings the funeral dirge, and he is followed by all the hon. Gentlemen who from 1832 to 1845 voted in its favour, and who now bring up the *cortége* as mourners for its fate. The right hon. Gentleman taunted me for inconsistency in not having upon this occasion brought forward a Motion for the abolition of the Church Establishment; but let me remind the right hon. Gentleman that when he was Member for Devonport he voted in favour of the ballot, and that when he became Member for Northumberland he voted against it. Surely, with this fact staring him in the face, the right hon. Gentleman should be the last man in the House to taunt me with "inconsistency." But it is evident the right hon. Gentleman is of infirm mind. I do not blame him for his vote; but I did not expect to be taunted for having offered what I conceived to be a fair compromise, and one likely to obtain the largest possible share of support. The right hon. Gentleman, however, refuses the compromise, and says instead, "If I can see a good practical plan I will adopt it." But where is the "good practical plan?" That is the question. The right hon. Gentleman says, if he could endow the Roman Catholics, he would. But he knows he dare not do it. It is all very well to talk of doing it, but it is a measure, barrenless as the Government are, that they would not attempt to bring forth. I regret that the right hon. Gentleman the Master of the Mint, and the right hon. Baronet the President of the Board of Control, have not favoured us with their sentiments on this subject, though I perceive them on the Treasury bench. Assuredly they will eat much dirt to-night. They cannot, however, nor can the Administration to which they belong, go on night after night seeing their principles expire one by one. They may for a time lean on a crutch from Tamworth, or recline on a cushion from Montrose, but depend upon it these aids will fail them sooner or later. Weak and enfeebled they may hobble along for a season, halting between two opinions—now supported by hon. Gentlemen opposite, and anon by hon. Gentlemen at this side of the House, but they must ultimately die of political apoplexy. The question of the Irish Church—the grave of so many successive Administrations—must eventually be the grave of Her Majesty's present Ministers.

Question put.

The House divided:—Ayes 103; Noes 170: Majority 67.

The House adjourned at half-past One o'clock.

HOUSE OF COMMONS,

Wednesday, July 11, 1849.

MINUTES.] PUBLIC BILLS.—1° Relief of Distress (Ireland) (No. 2); General Board of Health.
3° Highway Rates.

PETITIONS PRESENTED. By Mr. Beresford, from Clergy of the Rural Deanery of Bocking, for an Alteration of the Law respecting Tithes.—By Sir Edmund Filmer, from Dartford, for Repeal of the Duty on Attorneys' Certificates; and from Benenden, for Agricultural Relief.—By Mr. Fortescue, from the South Molton Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Milner Gibson, from Manchester, for the Protection of Women Bill.—By Mr. Grogan, from Thurles, County of Tipperary, and other Places, for Sanitary Measures.—By Lord Dudley Stuart, from Marylebone, against the Sale and Manufacture of Bread Bill.—By Lord Clarence Paget, from Deal and Sandwich, for an Alteration of the Small Debts Act.—By Mr. Grey, from North Shields, for the Smoke Prohibition Bill.—By Sir Henry Meux, from Dorchester, for the Formation of Treaties by which International Disputes shall be referred to the Decision of Arbitrators.

DURATION OF PARLIAMENTS BILL.

Order for Second Reading read.

MR. TENNYSON D'EYNCOURT moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. SHAFTO ADAIR recommended his right hon. Friend not to persevere with this Bill at the present late period of the Session, more especially as it had already been under the consideration of the House in conjunction with other measures, and had been negatived by implication. Subsequently to the passing of the Reform Bill, many measures were brought forward to improve the representation. Those measures were invariably postponed; but though postponed, their importance had not been forgotten. Last year a measure for extending the franchise was again brought forward by the hon. Member for Montrose; and upon that occasion many Liberal Members, and himself among the number, refused it their support, on the ground that the time for it had not then arrived. He believed now, however, that circumstances had altered, and that it was their duty to press on such a measure upon the consideration of Parliament, more especially since the principle of extending the franchise had been sanctioned by the noble Lord at the head of the Government. The Motion now before the House affected the duration of Parliaments; and here he must observe, that they were attempting no novelty, and that he thought a Bill of that nature might be passed with much advantage. He felt bound to express to the Government the strong dissatisfaction felt by the people at the rejection of every measure calculated to extend the franchise and improve the representation. He trusted that the noble Lord would not persevere in such a course, and that next Session some measures would be adopted to give effect to the very natural, though long-postponed, desires of the people for the extension of their political rights. The right hon. Gentleman the Secretary for Ireland had in the present Session brought in a Bill to extend the franchise in Ireland. That Bill had been silently withdrawn; but he hoped that next Session a measure comprehending both countries would be introduced by the Government, and pass that House.

Sir G. GREY entirely agreed with what had been said by his noble Friend at the head of the Government when the Motion was made for leave to bring in this Bill, that there did not exist in the country any practical discontent or dissatisfaction with regard to the duration of Parliaments. The right hon. Gentleman had been praised for having left a blank in his Bill; but, though such a course might be prudent, he did think that it would be very desirable that they should learn what the term was to be. The reduction to three years, for example, would, he thought, be attended with great practical inconvenience, because the first Session was one in which there were many new and inexperienced Members in Parliament; and the last Session was also one not calculated for the despatch of business, because Members were then naturally looking forward to the circumstances of their re-election. Looking to the great increase of business which had taken place of late, and the necessity of postponing measures from one Parliament to another, it was of great importance that those measures should be considered by the same Members who had them under consideration at their commencement. But now he asked if any practical inconvenience had arisen from the present duration of Parliament? It was notorious that the average duration of Parliaments had not exceeded six years. From 1826 to 1841 there were no less than six Parliaments: the average duration being only two years and a half. He thought it was pretty evident, from the smallness of the numbers on the division when the Bill was brought in, as well as from the present thin attendance, that there was not very much interest on this subject throughout the country, and that public opinion did act wholesomely and benefically upon Members under the present system. Not having heard any answer to the argument of his noble Friend against this Bill, he recommended his right hon. Friend to withdraw it. If he declined to do so, he trusted the House would not sanction the further progress of the Bill; and he would move that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. MILNER GIBSON said, the real answer to the noble Lord's speech was the division that followed upon it; because, notwithstanding the arguments which he used, and the appeal made to the House, the House decided that the Bill should be brought in; and he contended that it would not be treating the past proceedings of the House with respect if they were to decline now to discuss this measure calmly and in a manner becoming the importance of the subject. Let him observe, too, that these divisions were not quite accidental. Last Session there was a majority in favour of the ballot — oh, quite an accident! This Session, a majority for shortening the duration of Parliaments—again, it was said, a mere accident. But those majorities occurred in this way: Gentlemen were unwilling to record their votes against the extension of popular rights. Their absence was partly intentional, although he did not mean to say that they would not be present if urged to it by the leaders of a party; but there was a meaning which should not be lost sight of in those occasional majorities in favour of popular rights. With regard to the question itself, he certainly did think that a shorter period of time for the duration of Parliaments would be a very wholesome check on the proceedings of that House; and he thought that it had become more necessary now than it had ever been. Let them look at the great increase of power possessed by the Executive Government. Look at the taxation of 60,000,000*l.* which they now levied, the patronage incidental to it, and at the large amount of patronage in Crown lands and Church livings, East Indies and colonies, all of which were means of corrupting and influencing Members of the Legislature, at least of raising their expectations. He said that as the power of influencing increased, the case became stronger and stronger that there should be more frequent appeals to the constituency, and a more wholesome control over Members of Parliament. The means of corrupting Members of Parliament had increased to an enormous extent, and unless they were prepared to consider Members as angels of purity, or exempt from the infirmities of the rest of mankind, their common sense must tell them that the duration of their tenure of seats in that House should be shortened. What might be the inducement now for Members to go into a borough, after previously nursing it and spending large sums of money in it, but that they held their seats for six or seven years—that they knew there was a copious fountain of good things at the Treasury and elsewhere—and that they calculated they had only to "vote right," and to pull away at the Secretary of the Treasury, to make the money they had spent become a good investment. He called upon the House, if they were sincere in their desire to prevent bribery and corruption at elections, not to lose sight of that comparative fixity of tenure by which they held their seats in that House. He believed, moreover, that they would raise the political character of Members by such a measure as was now proposed. It would be no longer necessary to make all those definite pledges which constituencies now called for; because they would know that their Members must return to them in a comparatively short period, and again solicit their votes. But when a Member was returned for six or seven years, it became necessary to look far into the distance, and to obtain pledges from Gentlemen on measures not then, perhaps, before the country. He looked upon the system of pledging as not a very creditable one; and he believed that it would be materially lessened by passing the present measure. If they repealed the Septennial Act, there would be no necessity to pass any new Bill, because the Triennial Act would be revived, and was already upon the Statute-book. There would be no delay whatever, if the Septennial Act were once repealed. He did not think, therefore, that the period of the Session was an argument against the measure. One word to hon. Gentlemen opposite. This reform question was a rock ahead for them. He warned them to be more cautious with regard to the Reform Bill, and to make no inconsiderate pledges that they would adhere to the existing constitution and duration of Parliament. They might depend upon it, as sure as he stood where he did, that before long they would have to entertain this question. This question was daily assuming the position and features of the corn-law question. It was fermenting throughout the country, and they might depend upon it that the moment the old Tory party should resume the reins of power, that question was the one which would present itself in the most formidable shape for their consideration and solution. He warned them, then, to be prepared to meet that question, and, if they wished to retain power, to be prepared to yield to the just wishes of the great mass of the people. With these views, he should support the second reading of the Bill.

Mr. BERNAL said, that being of that anomalous class to which his right hon. Friend had referred, he should certainly not record his vote on the present occasion. Being still of that hybrid class, he should go out without voting on the Motion then before the House. But having long known his right hon. Friend both publicly and socially, he might be permitted to tell him in all kindliness that he wondered that a Gentleman of his ability and upright intentions should have taken up such a line of argument as he had that day pursued. How could his right hon. Friend talk of Members of that House having "a pull at the Treasury?" Would his right hon. Friend come forward, and in the face of truth and facts maintain that he had done justice to the Members of that House when he thought proper to speak as he had done about their not being angels of purity? He did not hesitate to tell his right hon. Friend that that mode of dealing with such a subject, was a humbug and a delusion. Considering the experience of the right hon. Gentleman, considering his extensive acquaintance with the Members of that House, he surely ought to have known that they were not accustomed to have "a pull at the Treasury." They were no doubt bored to make applications —many of them useless applications; they were often driven by their constituents to present themselves at the doors of the Treasury, but the right hon. Gentleman must know that that was not a tide which set in for their own personal advantage. As to the doctrine of pledges, he repudiated that as heartily as any man could—he should consider himself disgraced by giving pledges, and so might any Member when he condescended to give pledges. But on such subjects the minds of electors should not be hoodwinked—they should be taught to look at the matter more seriously; they should be made to know and feel that if a Member of that House performed his duties in Parliament purely and efficiently, he was entitled to the respect, the gratitude, and the affection of his constituents; but in repudiating the doctrine of pledges, he also repudiated the practice of speaking in that House to his constituents. Although he should not vote on the present Motion, he saw no reason against the ballot; he had already voted for the ballot, and he was favourable to every measure which he thought calculated to purify that which some Gentlemen had thought proper to call an Augean stable; but he should not confine his measures of purification to the walls of that House. Let those temptations be repressed which candidates offered to constituents, and those which, in return, constituencies presented to Members. It was well known that injudious friends often ruined the prospects of Members of that House. He should not say that if the proposition of his right hon. Friend were accompanied by other measures, he would not support it; but unless measures were introduced tending to cut down corruption amongst electors, he should neither vote for or against such a Motion as the present, but he should always raise his voice against any attempt to delude constituencies, by telling them that the Members of that House sought only their own interests.

Mr. HUME apprehended that the hon. Member for Devonport, the Secretary to the Treasury, might, if he thought fit, tell a very different story from the hon. Member for Rochester as to the nature and extent of Treasury influence upon Members of that House; and if the hon. Member had been present, he (Mr. Hume) should have liked to have asked him a question or two on the subject. His hon. Friend might very well feel himself exempt from the imputation, and the great body of the House might be an exception to the principle; but no one who had sat any length of time in that assembly could be otherwise than aware that resistance to Treasury seductions had been very far from an universal rule there. His hon. Friend had very truly stated that to shorten the duration of Parliaments would not alone suffice, but that much else must be done to reform the representatives within the House, and the constituencies without. The extraordinary thing was, that his hon. Friend, entertaining this opinion, and being favourable to the ballot and to the extension of the suffrage, had not supported him when, some weeks ago, he proposed to the House the adoption of these reforms. It had happened very unfortunately for the progress of reform, that Gentlemen in that House seemed so little disposed to come to an understanding in relation to the various reforms they desired to introduce: one set of men were favourable to the extension of the suffrage, but would not listen to the ballot; others approved of the ballot, but saw no necessity for extending the suffrage; some would not reduce the duration of Parliaments to three years, but were willing to say four years instead of seven, the great object in most of these cases being to avoid coming to the real question. The real question was whether the representation in its present state was in a condition satisfactory to the country. He himself entertained what were called extreme views on this subject, probably because an experience of thirty-five years in that House had shown him that half-measures would not answer; but when a definite measure, like the present, making clear progress in the right direction, was proposed, he most gladly accepted it. This proposition would be a test of the sincerity of the reformers in that House; if they would not, for one reason or another, adopt such a cumulative measure as that he had proposed the other day, let them at least take this distinct proposition. He would make an earnest appeal to Her Majesty's Ministers; they had over and over again, not only when in opposition, but in office, declared themselves the advocates of progressive reform of Parliament, and more especially so the noble Lord the occasion of whose absence he much regretted; but as to practical measures, they were standing still—neither introducing any such measures themselves, nor accepting the proposals of others. He, for one, must be distinctly understood as declaring that he could not continue to support a Government which thus refused to effect all kinds of reform—a Government which would not advance one step towards those great objects which so main a proportion of their supporters demanded. Any other Government would be preferable to such a set of men, even the most Tory that could be got together—for then there would be a good chance of a large, united opposition, exacting those sound reform measures which the country required—whereas, cut up into all sorts of sections, as the House now was, the friends of reform were actually supporting a no-reform Government. This was the conviction to which facts had forced him, that until the friends of reform had seceded from the present Government, and took up a position of their own, and voted wholly as they thought fit, no distinct movement in the right direction would be made. The noble Lord at the head of the Government had admitted on a recent occasion that it was desirable that the suffrage should be extended to the working classes. If such was the noble Lord's real opinion, why did he not act upon it? There were millions of men in this country upon whom the strength and prosperity of the State depended, but who were contumeliously excluded from any share in the representation, who were practically put beyond the pale of the constitution. This oppression he warned the Government might be acted upon too long. He recollected the day when Mr. Huskisson, on the Motion to give the franchise to Birmingham, stood up in his place, and said, that he had heard in the course of the debate arguments so convincing for the enfranchisement of that town, that he would rather retire from the Cabinet than not support the Motion. The Cabinet was pertinacious in rejecting the Motion; Mr. Huskisson was as firm in his resolution to adopt it; he spoke and voted for it, and the next day he quitted the Cabinet. What followed? Why, that in a very short time reforms took place as a matter of necessity, reforms of the most wholesale nature, reforms much beyond anything that reformers had previously contemplated. So it was with the corn laws. He was one of the minority who voted for a duty of 10*s.*; a duty which ought to have satisfied any man; the House was not satisfied with it, and before many years went over, the House was fain to be satisfied with no duty at all. These were examples which the Government and the Gentlemen of that House would do well to heed. He, for one, so utterly hopeless had he become of reform at the hands of the Government, was ready to quit that portion of the House, and, going to the other side of the gangway, to leave the Government to the tender mercies of the protectionists, or of any other party they might get hold of. It was really impossible for an honest man much longer to go on with a Ministry, which, having while in opposition, been vehement for reform of every kind, seemed now determined not to concede reform of any kind whatever, general or particular. Either the present Government or some other, must go onward in the direction which the general sense of the country indicated; he trusted that in the course of the recess, the pressure of the people would be such as to convince the Government of this necessity, for he would gladly see the men who had effected the great reform of 1833 carry out that measure to its complete fulfilment. Let not England, once the pioneer of freedom, be seen to stand still while all the rest of the world was advancing.

Mr. DRUMMOND said, that when an hon. Member opposite told the Ministers that they would certainly themselves if out of office carry another reform in Parliament, he must say that it was hardly a civil speech for him to make to his brother Whigs. Before the Reform Bill became law, he (Mr. Drummond) had been a supporter of triennial Parliaments, but he was now going to take an opposite line. He had voted for triennial Parliaments last year, but he should not do so on the present occasion, seeing the condition to which the House had been brought by the operation of the Reform Act, and he apprehended, in the present state of the representation, if they were to have triennial Parliaments, that the public business could not be transacted at all. He altogether objected to diminishing the duration of Parliaments, and expressed his belief that it would be better to have annual Parliaments at once. He could not help noticing the earnest and emphatic manner in which the

Ministers of the Crown were called on to bring forward a Government measure of reform, and were threatened with the loss of support if they did not do so, and in effect told that they ought to resign. It was, further, not a little remarkable that the earnestness with which certain hon. Members sought to drive Ministers from power, was in the inverse ratio to their own capacity to govern. The rarest gift of Heaven was the talent to rule; and he very much questioned if it would be possible to carry on the Government of this country if the change now proposed were brought into actual operation. He should not, however, dwell upon this point any longer, neither should he go into the whole question as to the necessity of enlarging the franchise, but even then he must say to the House *respice finem.* They had been told that France presented the *beau ideal* of representative government, yet he could not help expressing his surprise that all the advocates of the five points of the Charter were those who described the persons who had tried to effect the counter-revolution in France as suffering martyrs, with whom the public ought to avow sympathy. He hoped that the public never would sympathise with those who had laboured to disturb the public peace all over Europe, and who had made no secret of doing so. He would ask, did not the hon. Member see evidence of those statements in the organs of that party? [Mr. HUME: No, no!] He wondered if the hon. Member ever read the *Northern Star.* If he did read that journal, he would find such sentiments expressed there. He did not believe it would be possible to preserve in this country a House of Lords and an hereditary Sovereign if they gave that which some hon. Members in their secret souls wished to give, namely, the whole power of the Government to that House alone.

Mr. HUME rose to deny altogether such an inference, and he challenged the hon. Member for Surrey to point out a single line which he had uttered in approval of such doctrines.

Mr. DRUMMOND said, that the hon. Member stated the other day in his debate ["Order, order!"]—well, the hon. Member on a certain occasion had used this expression, that all the world was in advance of ourselves; that we were formerly in advance of all the nations of Europe in representative institutions, but that now we were on the lowest step of the ladder, while France was on the highest.

Mr. BRIGHT said, that the last man to whom the term, "pulling at the Treasury bench," could apply, was the hon. Member for Rochester, who had got into so needless an excitement about the matter. His right hon. Colleague, however, was perfectly justified in the suggestion that the Treasury exercised a very important influence upon the House, in one way or another; not in direct bribery, he would admit, but in the distribution of favours and of honours which answered the purpose. It was not at all likely that the Treasury exercised the patronage of an expenditure of 60 millions per annum besides honorary distinctions, which, in the eyes of some were worth as much more, and of so large an amount of Church benefices of various kinds and degrees, without influencing a body whom it was so useful to a Government to influence as the House of Commons; and as a matter of fact, it was perfectly well known that this influence was exercised. It were equally futile to say that a Parliament of seven years gave no more occasion and opportunity for the exercise of this influence than a Parliament of shorter duration. In the year 1720, Swift, writing to Pope, laid down the principle that Parliament ought to imitate the wisdom of that gothic idea which made Parliaments annual. His right hon. Colleague had alluded to pledges; there could be no doubt that to give what was generally understood by pledges, was not wholly to be approved; but what he himself understood by hustings pledges was simply that the candidate therein expressed his conviction of the justice of particular principles, and his intentions to act up to them. If Parliament sat for seven years, it was additionally necessary for the constituencies to take this sort of inventory of their representatives' principles. But it was desirable and proper that the representatives of the people should not be shackled by what were generally called pledges. One thing was certain, that pledges did not answer the design of those who exacted them; there had been notable examples within the last few years of Members of that House turning round and voting in the very teeth of the principles they had started with. The security against such conduct as this was that Members should have to appear more frequently before their constituents. As it was, the system of influence in operation in that House had rendered it an appanage, a tool, to a large extent, of the influence predominant in the other chamber. He earnestly entreated the House to take steps to remove this crying evil; for he could warn the House that, unless the remedy were speedily applied, the feeling which was growing up in the country against the misgovernment of that House, would, in the excitement of its inevitable triumph, not only destroy the abuses which had created it, but might prove dangerous to the long-existing institutions of the country.

MR. H. WILLYAMS said, if the Bill was not encumbered with the clause relative to the time of three years, he would support it. He considered that the question of time should be discussed in Committee. He would not then go into the arguments in favour of shortening the duration of Parliaments, which he believed would be advantageous and necessary. He did not approve of the Septennial Act, which threw an irresponsible power into the hands of representatives for a long period. He thought, also, that so far from frequent recourse to elections increasing bribery, it would have the effect of putting a check upon it.

MR. H. BERKELEY was surprised at the silence of hon. Gentlemen opposite on this question. During his Parliamentary experience, which extended over a period of upwards of twelve years, the leaders of the Opposition benches had been in the habit of taking part in the discussion on all important subjects brought under the notice of the House; but they now seemed to avoid this question. He regretted that the hon. Member for Buckinghamshire, whose opinions, from his great eloquence, and from his position as a great political leader, were entitled to serious attention on this as well as on other subjects, had just quitted his place. The opinion which he (Mr. Berkeley) had formed as to the advantages of triennial Parliaments, had been very much strengthened by some arguments urged by the hon. Member for Buckinghamshire on this question on a former occasion. He was not aware whether the hon. Gentleman was in the habit of eating his words—a vice prevalent in that House—but he trusted the hon. Gentleman had not abandoned his opinion as to "the good old fashion of triennial Parliaments." He had come across an address which the hon. Member had formerly put forth to the electors of Chipping Wycombe, in the course of which he laid the tar brush very unsparingly on Her Majesty's Ministers, as he was in the habit of doing at present—at least so far he was consistent—and he complained that Her Majesty's Government, at the time of the Reform Bill, had cheated the people out of their good old-fashioned triennial Parliaments. This was of much importance, coming from the source which it did. If the hon. Gentleman had changed his opinions on the subject, he should give some good and valid reasons for having done so to the House, to his constituents, and to the country. The hon. Member for Buckinghamshire had stated in the same powerful address that he considered the ballot absolutely necessary to check the unprincipled practices everywhere now resorted to at general elections, and added that he was aware that a system of terrorism existed at Chipping Wycombe. Now he (Mr. Berkeley) would like to know whether the hon. Gentleman's opinions on the ballot had undergone any change? However this might be, if the hon. Member's opinion was changed, he could not change the fact to which he had testified; and, although he might deny the remedy, yet, on a future occasion when he (Mr. Berkeley) should bring forward the question of the ballot, he had a right to quote the hon. Member for Buckinghamshire as a witness of the evils which rendered its adoption necessary. He should vote for the Bill for triennial Parliaments, as a part of a system of Parliamentary reform, which ought to be adopted by that House. Speak who might, he trusted they would have such a division as would show the constituencies of the country that it was regarded by some in that House in the light which its importance demanded.

LORD DUDLEY STUART impugned the conduct of the Government for treating a question of this nature in the contemptuous manner they had done. Some day, however, the people would show their sense of this conduct, and he would tell them it was not safe to persevere in disregarding the wishes of the people. He would be glad to accept any modification of the system now in existence as an instalment. He thought that if this measure was carried, it would make them better Members of Parliament. Sooner or later the voice of the people would be heard, and then they would find out the very great mistake they had committed, and that it was not safe long to disregard the loudly-expressed wishes of the people. He knew that occasionally they awoke a little from their apathy, and promised some concessions to the people; but still all that could be got out of them was a slight glimmer of their future intentions. There must, however, be something more than shadows. The working classes of the country must have the pledge of a measure, and they would never be satisfied until Government came forward with a Bill for improving the representation of the country. The hon. Member for Truro had fallen into a mistake in supposing that this Bill enunciated the principle that the duration of Parliament ought not to exceed three years. It only declared the principle that at present the duration of Parliament was far too long a period; but, for his part, although he admitted that the reduction of years would be an improvement in the system, he was decidedly in favour of triennial Parliaments; and if the House wished to make the representation of the people full, free, and effective, they must reduce the duration of Parliament to that extent. Of course such a measure ought to be accompanied by other reforms, such as the ballot, and an extension of the suffrage; and, in supporting this Bill, he was quite ready to give the people all the rights which they had so justly demanded of Parliament.

Colonel SALWEY had no hesitation in saying in his place in that House, that the contrast between the professions of the present Government out of office, and its progress in office, was painful in the extreme. In the most open and avowed manner they this year disavowed the principles which they professed the last, and they scrupled not to abandon the political principles upon which they had been placed in power. Much as he disliked toryism, he also detested that spurious kind of whiggery which was open and free when in opposition, but when in power was careless and wasteful of the expenditure of the country, and took no part in carrying out the wishes of the people. Such was his opinion of the present Government, and he thought no honest Liberal ought to sit on that side of the House. If he was asked why he did not vote for the Motion of the hon. Member for Buckinghamshire a few nights ago, he would answer—that hon. Member had attacked free trade, a measure in which he fully concurred, and to which he had given his consent. But if the hon. Member had attacked the Government, he would have voted with the hon. Member. With regard to the Septennial Bill, he would observe that he considered it the most daring act of usurpation which had ever taken place; it was at the root of all bribery and corruption, and had been the means of increasing the national debt; and, finally, it gave hon. Members of that House six years for sinning, and only one for repentance. With these views, he would vote in favour of the Motion before the House.

Mr. KERSHAW expressed his conviction that the opinions of the people were growing stronger and stronger in favour of the general principles of reform, and that the House could not much longer refuse to accede to their reasonable demands. He represented a constituency consisting, in round numbers, of 60,000 people, of whom only 1,300 were upon the registry; and he wished to know whether an electoral principle, of which that fact was an example, could be called justice and honesty to the people of England at large? Some ten years ago, he believed that the country was disposed to place confidence in those who now formed the Government; but now many of those who had been willing to support them would not cross the floor to serve them, believing that they had deserted their principles, and were one thing at one time and another at another. There had been a period when he thought that the Government had made some sacrifices for the principles they professed, and he was never more surprised than when, upon becoming a Member of that House, he found he could not rely upon them for the honest support of any one principle they had ever professed. He advised the House to assent to the principle of this Bill, and to leave the consideration of details to the Committee.

Mr. CAMPBELL appealed to the dignity and justice of the House, as an adherent of the noble Lord at the head of the Government, to be permitted, as he best could, to defend him in his absence from the series of violent attacks which, for some time, had been delivered against his character and policy. The hon. and gallant Colonel the Member for Ludlow, the noble Lord the Member for Marylebone, and the Member for Montrose, had shown very little generosity and delicacy in the moment they selected for a declaration of their long accumulated wrath, and slowly ripening hostility. Had the noble Lord been present, he would certainly have hailed the opportunity of meeting these aggressive manifestoes with the chivalry and firmness which on such occasions he displayed. He was absent from domestic circumstances with which all the House would sympathise; and he (Mr. Campbell) would not shrink from the peril of addressing an impatient House, to defend him, under such circumstances, from reproaches as unfounded as they were ill-timed, presumptuous, and irrelevant. He (Mr. Campbell) denied, in the most uncompromising terms, in answer to the hon. and gallant Colonel, that the noble Lord at the head of the Government had at any time, in office or out of office, intimated any disposition to encourage, or given any promise to espouse, the democratic principles against which, as Prime Minister, he had so powerfully reasoned and so manfully protested. He defied the hon. and gallant Colonel to point to a speech, a letter, or a treatise, in which the noble Lord had led the public to imagine that his return to power would accelerate the repeal of the Septennial Act, or the introduction of the Charter. These, however, were the undisguised objects of the party, who never missed an opportunity, and seldom found one so secure or so convenient as the present, of pouring out their bitterness upon the noble Lord, because he felt some regard for the opinions on the British constitution which all his life he had professed, and for the great edifice of government, which, in accordance with those opinions, in 1832, he had consummated. The Member for Montrose, departing from the subject of debate, had that day endeavoured to fix a charge of weakness, inconsistency, and bad faith upon the noble Lord, because he had conceded as an abstract principle, that civil power was a means of educating the understandings and affections of the lower orders, and because he had not introduced a measure to extend the franchise. What could be clearer to an ordinary comprehension than the position of the noble Lord on this class of topics? Night after night he had expressed to them, in his capacity as Prime Minister, political inquirer, and writer on the British constitution, that universal suffrage was a system to which he was emphatically hostile, inasmuch as it was calculated to ruin any country which adopted it, and more particularly that in which we had the happiness to live. All the propositions for extending the suffrage which had yet been advanced, had a clear and demonstrable, and a very feebly disguised, tendency to a catastrophe in which the noble Lord discerned the death of our liberties, our glory, and our civilisation. It remained to be considered by what delicate arrangements, what ingenious combinations, it was possible to give a working man a participation in elective functions, and at the same time to keep at as great a distance as it was at present, the fatal domination of numbers over mind, and of force over virtue and intelligence. Had the hon. Member for Montrose, whose mind, as he assured them, had now been steadily employed for five-and-thirty years upon organic questions, resolved this problem? Was it reasonable to expect that the noble Lord, who had Irish difficulties to consider, the affairs of Europe to revolve, the state of our finances to investigate, the future of our colonies to settle, who declined no burden, and avoided no path of statesmanship, should withdraw his mind from the hourly calls which passed around him, for the purpose of effecting a refined and complicated system, the very theory of which was, as yet, imperfectly elucidated—a system which would do very little, even if it was effected, to satisfy the moral wants or elevate the physical condition of the working classes. He (Mr. Campbell) adverted to the lucid way in which the right hon. Member for Manchester had demonstrated that if the Septennial Act were repealed, as it was now proposed to repeal it, the system of triennial Parliaments would by law come into immediate operation, and therefore that the question to be decided on to-day was, whether at the end of three years Parliaments should uniformly terminate. On the 23rd of May, the noble Lord, with great ability and clearness, pointed out the inexpediency of such an alteration; and by the arguments the noble Lord delivered, he (Mr. Campbell) was ready to abide, and thought the House of Commons would be satisfied. The hon. Gentleman concluded by an eulogy on the patriotism of the House, and a reflection on the inconsistency and weakness of the democratic party.

Mr. TENNYSON D'EYNCOURT, in reply, said, that the question now before the House was not as the hon. Gentleman (Mr. Campbell) supposed, whether the duration of Parliaments should be three years, but whether it should or should not be less than seven years. The simple repeal of the Septennial Act would restore triennial Parliaments; but the form of the Bill before the House would leave the specific term of duration open for future decision in Committee. He concurred in much that had been alleged regarding the extreme disappointment which prevailed in the country, caused by the course taken by Her Majesty's Government. He had hoped better things of them. When it was remembered that the Reform Bill passed seventeen or eighteen years ago; that his noble Friend the First Lord of the Treasury had more than once stated his conviction that the suffrage ought to be extended more largely among the working classes of the country—that the same noble Lord, on a former occasion, in 1837, and recently, on the introduction of this Bill, had expressed the opinion that five years would be a proper period of duration for Parliaments—it was astonishing to see him and his Government sitting with their arms folded, and saying that they had no measure of reform, or any notion of the necessity of any such measure. The argument of his right hon. Friend the Home Secretary, as to the duration of Parliament having been practically short, inasmuch as there had been six Parliaments which had determined at periods of two or three years in each case, had no weight in favour of the system of septennial Parliaments, but, on the contrary, told against it. The charge against septennial Parliaments was, that Members entered that House with a long term of impunity before them: that they were soon seduced from a sense of responsibility by the blandishments of a Government, or the temptation of advantage for themselves or their families; and that it was only towards the close of a Parliament that they manifested independence and diligence; so that by any unexpected termination of the septennial period, all the evils were incurred, while the country lost the compensation, such as it was, which the full term might have brought with it. He thought that when moderate propositions of this kind were made—propositions sanctioned by the usages of Parliament, and not alien to the constitution of the country—the Government should, at least, abstain from treating them in the flippant manner which had been displayed by his right hon. Friend; for such a discouragement of fair and practical measures tended to lead the minds of the people astray after strange and wild fancies.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 57; Noes 132: Majority 75.

List of the AYES.

Adair, R. A. S.
Alcock, T.
Armstrong, R. B.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bright, J.
Brotherton, J.
Clifford, H. M.
Colebrooke, Sir T. E.
Davie, Sir H. R. F.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Evans, J.
Ewart, W.
Fordyce, A. D.
Fox, W. J.
Gibson, rt. hon. T. M.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Harris, R.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
Kershaw, J.
King, hon. P. J. L.
Locke, J.
Lushington, C.
Meagher, T.
Morris, D.
Mowatt, F.
Nugent, Lord
O'Connell, J.
O'Connell, M. J.
Pechell, Capt.
Ricardo, O.
Roebuck, J. A.
Salwey, Col.
Scholefield, W.
Scully, F.
Smith, J. B.
Strickland, Sir G.
Stuart, Lord J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Villiers, hon. C.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Willyams, H.

TELLERS.

D'Eyncourt, C. T.
Stuart, Lord D.

List of the NOES.

Acland, Sir T. D.
Arbuthnott, hon. H.
Arkwright, G.
Ashley, Lord
Baldock, E. H.
Bankes, G.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. Capt.
Bowles, Adm.
Bremridge, R.
Bromley, R.
Burke, Sir T. J.
Burrell, Sir C. M.
Campbell, hon. W. F.
Cavendish, W. G.
Chaplin, W. J.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Coke, hon. E. K.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Copeland, Ald.
Cowper, hon. W. F.
Cubitt, W.
Dundas, Adm.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Elliott, hon. J. E.
Emlyn, Visct.
Fellowes, E.
Ferguson, Sir R. A.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Fortescue, hon. J. W.
Freestun, Col.
Fuller, A. E.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Guernsey, Lord
Haggitt, F. R.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcote, G. J.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord E.
Hobhouse, rt. hon. Sir J.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Capt.
Knox, Col.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.

Lemon, Sir C.
Lewis, G. C.
Lewisham, Visct.
Littleton, hon. E. R.
Lygon, hon. Gen.
Mackinnon, W. A.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Maule, rt. hon. F.
Miles, W.
Mostyn, hon. E. M. L.
Mullings. J. R.
Mundy, W.
Naas, Lord
Nicholl, rt. hon. J.
Noel, hon. G. J.
O'Brien, Sir L.
Ogle, S. C. H.
Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Plumptre, J. P.
Powlett, Lord W.
Prime, R.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Russell, hon. E. S.
Russell, F. C. H.
Sandars, J.
Seymer, H. K.
Shafto, R. D.
Sheil, rt. hon. R. L.
Simeon, J.
Somerville, rt. hon. Sir W.
Spooner, R.
Stafford, A.
Thornhill, G.
Tollemache, hon. F. J.
Vane, Lord H.
Villiers, Visct.
Vivian, J. E.
Watkins, Col. L.
Welby, G. E.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wynn, rt. hon. C. W. W.
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

Words added: Main Question, as amended, put, and agreed to.

Bill put off for three months.

SMOKE PROHIBITION BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. **ROEBUCK** said, he opposed the Bill on the ground that it would seriously interfere with the manufactures of this country. His objection to the measure was this, that the science of combustion was not in that state that they could legislate in the belief that in those manufactories, the subject now of complaint, they could dispose of their own smoke. The mere statement of the facts connected with the case was sufficient to show that they were utterly unable to do so. His hon. Friend the Member for Lymington said, only keep up a steady fire, and all that was consumable would be consumed; but he (Mr. Roebuck) knew otherwise. He knew, that in the iron and steel manufactories of Sheffield, such was the process, requiring different degrees of heat, now low, and again suddenly increased, that it was quite impossible for them to keep up a steady fire, or to avoid raising a considerable amount of smoke. By the 8th Clause of the Bill, however, it was provided that in case of opaque smoke being seen issuing from any chimney for a longer time than was required for kindling a fire, any one might complain and compel the owner of the chimney to show that he was not guilty of a nuisance under the Bill. What, then, was opaque smoke? What would the hon. Member do with Sheffield? He might say, take it out of the Bill, but there were other towns similarly placed; and with regard to Sheffield, the Bill was quite incompatible with the business of that town being carried on. Their profits now were chiefly made up of small items economically saved, but which a steady fire, regularly worked throughout the process under the compulsion of this Bill, would entirely eat up, so that the manufacturers must either break through the law, or give up their business. What he said was, that he was against any attempt at legislating upon this subject in the present state of the science of combustion. He should therefore move that the Bill be committed that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. Alderman **COPELAND** said, the manufactory with which he was connected must be entirely shut up in case the Bill were allowed to pass. He opposed it from no desire to foil its object, for he had himself expended 1,200*l.* on various patents for consuming the smoke; but, he was sorry to add, they had been unsuccessful in effecting the purpose.

Sir G. **STRICKLAND** was well convinced that the smoke of manufactories in crowded towns was a great nuisance, which the manufacturers themselves were desirous of remedying, but had hitherto failed in doing. He recommended, however, as experiments were making for the purpose, that his hon. Friend should withdraw the Bill for the present Session, and bring it in next year, when the results of those experiments might be in a more satisfactory state.

Mr. **BANKES** said, he should vote for going into Committee on the Bill, if his hon. Friend persevered. The object was one requiring their attention; and if the Bill was not perfect, they ought to go into Committee to amend it as far as possible. He knew that society was impressed with the desire of having this great and growing nuisance put down. He heard with regret that the manufacturers of this country were making small profits, and were unable from foreign competition to bear the operation of such a Bill as that. He heard it with regret, but not surprise; and he answered, that while it was no argument against the Bill, it was conclusive against those who differed from him in their commercial policy. The time was come when they must attend to the health of Her Majesty's subjects. Much had been said of burial in towns, and much of the inconvenience arising from the graveyard immediately in the vicinity of the House; but he was convinced that much of that inconvenience arose from the manufactories in the very neighbourhood of the palace they were in, from which a nauseous effluvium had been pumped in upon them since the debate began. He appealed to Mr. Speaker whether he had not often reason to complain of that nuisance, and he appealed to the House whether they ought to go to extravagant expense for the purpose of having such an atmosphere pumped in upon them. The evil grew every year, and whether from manufactories near the House or across the water, he could show from the dead or dying state of a noble avenue of lime trees attached to Westminster school, that the atmosphere was most unhealthy. He hoped the House would not reject the Bill.

Mr. FOSTER hoped the House would not consent to go into Committee on the Bill. Some of the healthiest trees possible were to be found in St. Paul's Churchyard —a locality one would suppose extremely likely to be visited by smoke. The measure would tend to drive manufactures out of the country. Much had been done towards effecting that object already. There were the inspectors of factories, with their spies and informers, and there was the Ten Hours Bill, one of the most mischievous measures ever passed into a law. He regarded the noble Lord at the head of the Government as deeply responsible for that measure, inasmuch as it was entirely contrary to the commercial principles which he had ever professed. There was no end to such kind of legislation, and, if persevered in, there might, in time, be a Bill to prevent expectoration in the streets.

Sir C. BURRELL said, as some had spoken of the difficulty of effecting their object, he should instance in Mr. Cubitt's steam engine on the Grosvenor estate, which he saw in full action, without emitting any smoke whatever. That was an instance of success in the effort to prevent smoke.

Mr. BRIGHT said, that there were two or three reasons why he objected to this Bill. In the first place, the first clause was one which was worded in a manner which would prevent the Bill being of any use except to annoy those with whom it would interfere; and he asked the hon. and learned Attorney General to express his opinion on this point. If the hon. and learned Member would turn his attention to the last three lines of the first clause, he would find the word "opaque" mentioned, about which there was the greatest difference of opinion. He was not sure whether smoke being opaque or not might not depend on the colour of the sky beyond it, on the different circumstances of temperature, and on the different positions in which it was seen by an informer. The clause said, "that opaque smoke shall not be permitted to issue from any chimney of a furnace for any longer period of time than is *bonâ fide* necessary for the kindling of the fire of such furnace." With regard to the greater proportion of furnaces to which this Bill would apply, this did not meet the case; the smoke was not caused by any process of kindling the fire; because, in the manufacturing districts, fires were not allowed to go out except once in two or three weeks, when the boiler and flues were being cleaned. It was necessary, even when a steam engine was not at work, and during the night, that there should be steam in the boiler to heat the manufactory and premises. The smoke was not made when the fire was being kindled; that so rarely happened that it was not worth thinking of; it was when the fire was being stirred up; when fresh coals were being placed upon it—and there were a multitude of cases in which, from the overloading of steam engines, from the defective nature of the draught, and from the inadequacy of what is termed boiler room for raising a sufficient steam easily, it was absolutely necessary to poke up the coals; and smoke would be caused under all possible circumstances. He defied any two men to come to any settled opinion as to what time was necessary. It might depend upon the shape of the furnace to some extent, the height of the chimney, the strength or weakness of the draught. It might depend, also, on the very material which they were burning, and with which, in cases to which the words of the Bill specially referred, they were attempting to light their fire. He did not hesitate to say, so far as the clause was worded, that if he had the strongest opinion in favour of a Smoke Bill, it was impossible this clause could have the slightest effect, except to irritate those in all trades who would be likely to be brought under the operation of the Bill. That was one part of the question decisive against the Bill. He believed that no one would get a conviction from an honest magistrate if this Bill were to pass. The hon. Member for Lymington had in his possession a curious old book, which he had shown to him (Mr. Bright). It was written by Evelyn in the time of Charles II., 1661; he complained of the smoke being such a nuisance in London, that although he came to Whitehall to refresh his eye by the presence of His Majesty, it was impossible for him to do so. He wrote about glass-houses, sugar-bakers, and against the establishment of fire-engines at London-bridge and York-buildings. He said that the health of London was very much deteriorated, and that it required 10,000 persons from the country every year to keep up its population. He said further, that in 1644, when Newcastle was besieged, and few coals were brought to London, there was an excellent crop of fruit in orchards in the Barbican, and the Strand; but that after that time, such was the influence of smoke in the city, that it would puzzle any gardener to find such fruit there. There was an exaggerated report that at that time a gentleman felt the smoke of the city to be so deleterious to him, that when he came from Hampstead to attend the Royal Exchange, he had his horse saddled at the door of the Exchange, and when the pressure upon his lungs became too great he mounted and rode even for his life, and he described nothing to be equal to the desperate condition of London except the Grotto del Cane or some other subterraneous habitation. All this was as true now as it was then. He believed that extravagant statement at the opening of the Bill, as to its being expendient to take measures to prevent the injury to the health and comfort of the people which was occasioned by the smoke issuing from certain chimneys and furnaces, was a gross exaggeration. It was not stated that the health of towns was any the worse in consequence of the existence of manufactories and the prevalence of that smoke which manufactories produced. The hon. Member for Lymington was so anxious to pass this Bill, that he was not very particular whether he included anybody or nobody. He excluded the constituents of the hon. Member for Sheffield; and he (Mr. Bright) was not sure that if he sat on the other side of the House, he should not be excluded also. If it were true that smoke could be prevented at a moderate expense, and that it would be an actual saving to the proprietors of these furnaces, he was quite sure that such was the competition amongst the manufacturers of this country—such the anxiety to save money, and such the anxiety also to purify the atmosphere and benefit the public, that these projects, if feasible, would have spread throughout the whole of the trade; but when there were fifty different methods of doing this, and not one of these had been found applicable to the great variety of furnaces that existed, he thought it might be fairly taken that hitherto science had not discovered a mode of putting an end to the smoke nuisance, except such as made it almost impossible for manufacturers to submit to it; and he could give several cases in which the Bill would be unable to be worked, because it was impossible for the most ingenious magistrate, or the greatest number of witnesses, to prove who was the guilty party. He was acquainted with a case which would set this Bill at defiance. He knew a mill in which there was no chimney, but the smoke passed through underground tunnels into another chimney, and issued with the smoke belonging to quite a different firm. How would it be possible to say who was responsible for this smoke? He knew a case in which twelve or sixteen boilers and furnaces connected with three different mills, were brought by different flues into a large chimney. If a person had nothing to do but watch the concern, it would be impossible to discover who made the smoke, and who was responsible under the clauses of this Bill. He asked the hon. Gentleman to leave this question to those ordinary motives which had promoted so many improvements in this country. If he would leave this question to the good feeling of the manufacturers, who would not willingly put the public to any trouble or nuisance, it would be found that, whenever science should offer them a mode by which it could be done at a moderate expense, without endangering the durability of the boilers, the manufacturers would adopt such plans as were offered. There were persons who were now endeavouring to prove that certain plans were efficient, and as soon as this proof was offered the plan would be adopted. He did not know what the right hon. Gentleman the President of the Board of Trade was going to say, but he did not think that he was in a position to comprehend the difficulties of this question. He thought the House would not consult its dignity by legislating on matters of this kind.

Mr. CUBITT, having been referred to in this debate, thought it right to make a short explanation. His brother had the object of consuming smoke much at heart; he had laboured greatly at it, and certainly with some success, but at a very great expense. Recently he had spent 400*l.* or 500*l.* upon it. He (Mr. Cubitt) also had steam-engines in his works, and he would give a great deal to purify the atmosphere of London; for that was certainly a much more important object than economy; but he could not consume the smoke which his engines produced. The subject, however, occupied the attention of many active minds; science was making rapid strides, and he hoped the day was not far distant when the object would be accomplished. He should be glad to assist in promoting such a purpose; but under these circumstances the present measure appeared to him immature.

Mr. LABOUCHERE said, that though the hon. and learned Gentleman the Member for Sheffield had proposed that this Bill should be postponed, at all events to a future Session, and though he was willing to admit that any opinion of his own on a matter of this scientific description was of very little weight, he had come to the conclusion, if the hon. Member for Lymington should think it worth while, at this period of the Session, to go into Committee on his Bill, of voting for his Motion to that effect. And he should do so on the ground of a report emanating, not from a Committee of that House, but from a commission appointed to inquire into this subject at the instance of the noble Earl the Member for Falkirk, when on the Woods and Forests, consisting of Sir Henry De la Beche and Dr. Lyon Playfair. He confessed that the opinion he was inclined to entertain was, that it would be practicable, without any great difficulty or very great expense, to oblige parties in a great degree to abate the nuisance of the production of smoke in such large quantities as was in many instances the case. At the same time he would say, that if he thought that by attempting to do this they would be incurring the slightest risk of diminishing employment, it would be an act of insanity to try to effect anything of the sort. But from this report of these competent and impartial persons he could but think that, under certain guards and limitations, the object of this measure was not unattainable, and one which the House ought not to refuse to consider in Committee on the Bill. The right hon. Gentleman then read a passage from the report in question, which did not recommend any attempt to meddle with open furnaces, but suggested that the interference to be attempted should be confined to closed chimneys connected with boilers that worked stationary engines, exempting potteries, iron works, glass works, and some others. He considered that this report was a well-reasoned and sensible document, and a much safer guide for them than a Committee of that House could be; and if the Bill of the hon. Member was framed mainly on that report, and confined itself to the furnaces therein referred to, not meddling with those trades with which interference would be mischievous, he must say that, believing the time was come when, without undue interference with the industry of the country, they might do something to abate an admitted nuisance, he could not, if the hon. Gentleman thought proper, under the circumstances of the case, and at that period of the Session, to ask them to go into Committee, refuse, for his own part, to do so.

Mr. THORNELY said, all regulations for the consumption of smoke ought to be left to the municipal authorities of each locality. The hon. Member for Lymington had, upon his recommendation, agreed to exempt iron works from the operation of the Bill; and it appeared he had also consented to exempt potteries. These exemptions, and the necessity for them, showed that the whole subject could only be safely left to local supervision. By that means the smoke would be consumed where it could be; and where it could not, the parties would be left free. He suggested, therefore, that the Bill should be withdrawn for the present Session, and a measure introduced in the next, giving to local authorities the power of making such regulations as were suited to the particular district.

Mr. SPOONER concurred in the suggestions of the hon. Member for Wolverhampton. In many instances it was utterly impossible to consume the smoke, and any attempt to enforce such a Bill as the present would most certainly stop a great number of manufactories. He admitted the possibility of stopping the issue of opaque smoke from the top of the chimney; but to do so involved great expense and careful management. If manufacturers incurred the expense, how could they always ensure men of sufficient skill to work the necessary machinery? They had been told that mines and iron and lime works were to be excluded by the Bill; but as the clause now stood, the owner of any work where smoke was produced, must prove before a magistrate that it was impossible for him to consume his smoke before he could be exempted; and they all knew that it was only a question of expenditure, and that by going to enormous expense, the consumption of smoke would not be impossible in any case. They should not be guided in their legislation exclusively by philosophic principles, without any regard for practical matters. The Bill as it stood applied to mines, which were generally situated in districts where smoke could be no nuisance whatever. He believed there was not a single work the owner of which would not apply for exemption; so that the Bill, though nominally one for preventing smoke, would practically be a Bill for exempting all works from interference. He did not think there was a single clause in the Bill to which he would not feel bound to move an amendment, and he therefore thought it useless for them to go into Committee upon it.

Mr. PARKER thought his hon. Friend would save them a great deal of trouble if, after all that had been said against the Bill, he would consent to take another year to consider the objections that had been raised. His object in rising was principally to call attention to the fact that in the exemption clause there was actually no exemption, and he did not see how any manufacturer in any town in England could escape under it as it now stood. Nobody liked smoke if it could be avoided; but it was absolutely necessary that they should carry on their manufactures. If any one could come forward and show that he had discovered a cheap and economic method of preventing smoke, the House would not be justified in refusing to adopt that method; but nobody could say that such a discovery had as yet been made. The gentlemen appointed on the commission were no doubt able scientific men, but they did not understand the manufacture of cloth, or the processes of working in metals. He had a much greater respect on such a subject for the practical opinions of the metal workers in the town which he had the honour to represent, than for the views of those excellent philosophers who had been quoted; and he knew that the opinion of those practical men was, that in consequence of the necessity of altering the heat during the different processes of the works, it was impossible that the provisions of this Bill could be complied with.

Mr. G. SANDARS did not think that the opinion of the hon. Member for Manchester was in accordance with those of his constituents on this subject. He would beg leave to read a letter which he had received from an eminent scientific man, an engineer in Lancashire, in reference to this Bill. [The hon. Member read an extract from the letter, in which the writer stated his belief that it was quite practicable to consume the smoke in factories without the incurring of any great expense, and that the clause in the Manchester local Act worked well.] In his opinion, if manufacturers refused to consume their smoke, the Legislature was bound to compel them to do so.

Mr. CARTER said, that the Royal Agricultural Society, of which he was a member, and to which many hon. Gentlemen opposite no doubt belonged, strongly recommended the erection of stationary steam engines on farms; but if the Bill passed, these engines would be compelled to consume their own smoke, though it could be no nuisance. He knew a case where, in a purely agricultural district, a miller had recently erected a small engine, to be used on the occasional failure of the supply of water, and yet that man would be left at the mercy of any discarded servant who might choose to lay an information against him. He thought it unfair to apply the same rule to a country district, and to a locality like London with a quarter of a million of houses.

Mr. WILSON PATTEN said, if his hon. Friend divided in favour of going into Committee he would vote with him, though at the same time there were many of the details of the Bill in which he could not concur. He believed that in Manchester, for instance, it was very possible materially to diminish the quantity of smoke without incurring much expense; but at the same time he thought it would be advisable to try whether science could not discover some better process for the purpose than any that had yet been suggested. On looking over the Amendments of which notice had been given, he must confess that there was scarcely one of them to which he should not give his support. He could not see why the clause in the local Act of Manchester could not be made applicable to other towns in the manner recommended by the hon. Member for Wolverhampton; and it should be recollected that it was only the great accumulation of smoke in manufacturing districts that was injurious to health, and it was to such districts only that their legislation ought therefore, in his opinion, to be directed.

Mr. MACKINNON said, he had only a single observation to make. He certainly thought there was a good deal of truth in the observation of Sir Robert Walpole, that the country gentlemen will, like their own sheep, lie down to be fleeced, but if you touch the manufacturing interests they will yield nothing but grunts. The hon. Member read an extract from the report of the Committee that sat on the subject six years ago, and said that both it and the report of the commission left no doubt but that it was quite feasible to prevent smoke in all cases.

Mr. DUNCAN said, that the measure was one which would overwhelm the manufacturers with ruin. The House had already hurt them severely by shortening the hours of labour; now they were about again to interfere with their liberty of action in a manner that would be hurtful to the master, hurtful to the poor, and consequently hurtful to the nation at large.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 83; Noes 64: Majority 19.

Main Question put, and agreed to.

Bill considered in Committee.

On the 1st Clause,

Mr. BRIGHT objected to the words "opaque smoke," and wished to have a definition of the term.

Mr. MACKINNON really thought the word "opaque" was so easily understood that he could not supply a better. "Opaque" was that which was not transparent, and which was not pellucid—that which you cannot see through — that through which when you looked, you could not see the sky beyond, nor the light. Really, hon. Gentlemen might as well ask him to define what was good and what was bad, as to require him to define the meaning of "opaque."

Mr. ROEBUCK begged the Committee to remember that they were really about to do a very serious thing. They were about to pass an Act of Parliament the meaning of which wholly turned upon the meaning of this one word. His hon. Friend defined "opaque smoke" to be "smoke that you could not see through." But he (Mr. Roebuck) said that there was no such thing. There was no smoke of the kind. He had never seen smoke through which, however dense it was, he could not see the sky. But he had often seen volumes of very heavy smoke. Now, if they did not define their meaning accurately, there would be endless disputes and difficulties arising out of the construction of the Act. They had no gauge for smoke. It was not like heat, which could be measured by a thermometer. He considered the clause contrary to common sense.

Mr. LABOUCHERE said, it would be utterly impossible for any magistrate to decide upon the fact of whether the smoke were opaque or not, in the sense mentioned by the hon. Member for Lymington. He thought the definition should be left to the common sense of those who would have the carrying into effect of the Bill. But with regard to those persons who had been punished under the local Acts, he should say that they were usually old and known offenders.

Mr. C. W. WYNN said, that the carrying into effect of the Bill did not depend upon the meaning which would be applied to its terms by the common sense of the magistrates, but upon that which the informer chose to attach to them. It was the informer who would come forward and say that he had seen opaque smoke. There should be a closer definition in an Act of Parliament than that which they had heard from the hon. Gentleman.

The ATTORNEY GENERAL observed, that if the clause were to stand, it would require amendment. Many hon. Gentlemen might desire to get at a definition of what constituted smoke, who could not vote for the clause in its present shape. He, for one, could not vote for the clause as it now stood. In fact, the clause and the Bill itself had been most inartistically drawn. It made smoke itself an offence. Whatever might be the difficulty in the way of defining opaque smoke, the present attempt at definition certainly made that difficulty greater; for it would necessitate a manufacturer having a witness outside his premises to rebut the informer. If the promoter of the Bill desired the success of such a measure, he must adopt one of two courses—he must proceed by common law for an offence, or he must require the informer to give notice on the spot of the existence of the nuisance; and if the nuisance were continued, it would constitue an offence.

SIR J. GRAHAM said, that, had he been present on the occasion of the recent division on this Bill, he certainly should have voted with the minority against it. This was not a subject now for the first time brought under the consideration of Parliament. The hon. and learned Member for Sheffield had no doubt unadvisedly used the bold expression that this clause was contrary to common sense. Did the hon. and learned Member know whence this Bill had come? Much was the criticism expended in another place on the manner in which Bills were sent up to the other House. The hon. and learned Attorney General, however, had stated that, apart from the merits of the clause, its construction was so inartistic that it defeated its own purpose. The clause, as it had come down from the other House of Parliament, was directed *ad rem, non ad personam.* Nothing could be introduced in the shape of prohibition which would not interfere with the most important branches of our manufactures. He had always felt great anxiety with respect to the application of a legislative remedy, but had always come to the conclusion that the common law could supply the only remedy. If a nuisance became intolerable, the common law provided a remedy. Make this a statutable offence, and you interfered with the most important branches of that manufacture carried on by the means of these furnaces. A Bill more absurdly drawn it had never been his misfortune to witness. He was prepared to vote in favour of the rejection of the clause, and against the further progress of the Bill itself.

After a few words from Mr. E. DENISON, Mr. MACKINNON, Mr. WALPOLE, and Mr. BANKES,

SIR J. GRAHAM continued. He said, that, having the character of the House very much at heart, on the whole he was sorry to hear that the original draft of this Bill emanated from a Committee of that House; and he was much more sorry that the hon. Member for Lymington, after the experience he had had on this question, should adhere to the original form of the Bill, because they had had frequent discussions in that House, in which trade after trade had been successively freed from the operation of the measure, and each trade that was not exempted loudly protested against the Bill, as one the operation of which was injuriously directed against them. He therefore thought that experience would have taught the hon. Member that the Bill in its present shape was altogether impracticable. But the discussion proceeded, and the more he heard of this matter, the more was he convinced that the objections to the measure were most grave; and he very much doubted whether these objections could be overcome by any attempt to frame a clause like this, affecting the vital interests of the manufacturing districts. The hon. Gentleman relied particularly upon the Acts applying to Leeds and Manchester. But statements had been made which asserted that by the adoption of the improved machinery for preventing the nuisance from opaque smoke, an effluvium had been produced of so noxious a character, that the parties would be liable to prosecution for one nuisance which they necessarily committed in endeavouring to avoid another! The more he heard this subject discussed, the more he was convinced that it was useless to attempt by statute to deal with an evil of this kind. By endeavouring to prevent it, they would do more evil than they could do good; and where the evil was of such a magnitude as to constitute a nuisance, and a jury were satisfied that the party was guilty of inflicting a public nuisance, there was a remedy at common law. He did not think that there ought to be a summary remedy; for he knew that the use of smoke to an immense extent was necessary to carry on the manufactures of the country; and he did not think the manufacturers should be subject to the vexatious proceedings of common informers. He did think, therefore, that the remedy ought not to be too summary. On the other hand, where, from false economy or neglect towards the public, a nuisance was inflicted, the remedy of a trial before a jury was available. For the reasons he had stated, he was opposed to the further progress of this Bill.

MR. LABOUCHERE had stated that he did not concur in the views of the right hon. Baronet. On the contrary, founding his opinion on a public document which he believed ought to carry the greatest weight—he meant the report of the commissioners appointed by the Government, Sir H. De la Beche, and Dr. Lyon Playfair—he thought in the manufacturing towns there should be some obligation on the part of those who produced smoke in large quantities, to adopt what he believed to be a cheap and easy mode of consuming their smoke. Therefore he was favourable to the principle of this Bill; but he had never wished to disguise from the Committee his belief that this was such a delicate and difficult subject, that it was necessary that any measure to be prepared on the subject should be framed with the greatest care and caution, otherwise greater evils would be done than those they attempted to remedy; and therefore, although he had voted for going into Committee, he did express a hope that the House would anxiously and carefully consider the provisions of the Bill. The discussion that had taken place, and especially the remarks of his hon. and learned Friend the Attorney General, had satisfied him that the Bill was not such a Bill as, without very great and material alterations, the House, in justice to the great interests concerned, should allow to pass into a law. It appeared to him that it required altogether to be recast and reconsidered; and in the present period of the Session, he did not think that degree of attention which the Bill required could be properly devoted to it. Therefore, he should be glad if the hon. Gentleman would consent to withdraw his Bill, and bring it in again next Session, in a form obviating some of the great objections which he thought very justly entertained against it in its present shape.

After some observations by Mr. C. Villiers and Sir G. Grey,

Mr. MACKINNON consented to the Chairman reporting progress.

House resumed. Committee report progress; to sit again Wednesday 25th July.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 12, 1849.

Minutes.] Public Bills.—1ª Highway Rates; Bankruptcy (Ireland); Criminal Law (Incapacity to commit Crimes, &c.) Consolidation.

2ª General and Quarter Sessions Courts Procedure.

Reported.—Consolidated Fund.

3ª Drainage of Lands; Inclosure Act (Extension of Powers).

Petitions Presented. From Bath, that no Persons shall be Appointed to Ecclesiastical Offices in Wales who are not Conversant with the Welsh Language.—From Dungarvon, that Measures may be taken to provide Boards of Guardians in Ireland with Paid Assistant Poor Law Guardians.

THE HARBOURS OF PORTPATRICK AND DONAGHADEE.

The Marquess of LONDONDERRY, in rising to move—

> "That after the large Sums of Money expended at the National Expense on the Harbours of Portpatrick and Donaghadee, amounting to upwards of 400,000*l.*, and the Grants last year of 10,000*l.* by Her Majesty's present Government, to enlarge and dredge the Basins for the Reception of large Steam Vessels, it is highly inexpedient to remove the Packets from the Station, and to give up the desirable Communication between the South-west of Scotland and the North of Ireland,"—

said: In venturing once again to trouble your Lordships on the subject of the abandonment of the packet harbours between Portpatrick and Donaghadee, I do it under the conviction that the papers presented by the noble Marquess afford, on the face of them, no grounds whatever for the decision the Government have arrived at. In the first place, no reports whatever are afforded of the inefficiency of the harbours at the present hour; in the second place, no statement is made, or can be given, as to the saving to be produced by the change; lastly, if the contractors fail, there is no forfeiture. The old packet station is abandoned, and could not, under some time, be re-established; and it appears there will be an entire stoppage to all passengers between Portpatrick and Donaghadee. The noble Marquess' (the Marquess of Clanricarde's) guarantee for the fulfilment of the contract, seems to rest on his high opinion and reliance of one of the proprietors, Mr. Burns. This appears really to me to be giving up certain positive advantages, over which the Government have complete control, for the chance of an arrangement evidently in the hands of others, while the Queen's subjects are entirely deprived of a short passage to Ireland. It would be very antediluvian to suppose the steam company did the service gratuitously. No doubt they had some great benefits that does not appear, and they certainly act for their own convenience alone, for when pressed to take the mails on Sunday they refuse. I do not see how it is proposed, then, to send the mails on Sundays which always went over in the old packets. This, then, is one inconvenience in the arrangement. It next appears by the correspondence, that, probably on account of some fears suggested by the remarks in this House that the company might fail, the Post Office confined its contract to twelve months only. If, at the same time, they had given the competition of a fit steamboat between the ports of Portpatrick and Donaghadee, there would have been at least a fair trial. The next observation that occurs, is a very miserable saving of some pounds on substituting runners for mail cars. Every one knows in Ireland, cars that carry two, three, or four passengers, with bags, are far safer for conveyance, and afford greater accommodation in the country; and to substitute runners, with the temptations of whisky, will more often find the bags and runners in the ditch. This is surely injudicious, and penny-wise and pound-foolish. Next, the letter from Mr. Abbot clearly shows that the arrangement had been so hurried that there has not been time to make full and proper reports. With respect to the details of the postal arrangement in Scotland, there are some noble Lords here can speak to them, no doubt, with far more knowledge and confidence than I can, so I will not attempt to urge them on your Lordships. It seems, on the 16th instant, the present packets cease to ply; and I must remark on the rapidity, without further and fuller information, with which this change has been effected, more especially when it is considered that in another place so very small a majority directed the question for further inquiry by a Committee. The noble Marquess then read a letter from Sir John Ross, in which he stated, as the result of a trial he had made, that the voyage from Portpatrick to Donaghadee could be made by a competent vessel in less than one half the time occupied by the Government packets; and that this line of communication is preferable to that from Greenock; and another letter from Mr. Caird, expressing similar opinions as to the disadvantages of Greenock, and an impression that the Greenock contract was not intended to be carried out *boná fide.*

The Marquess of CLANRICARDE opposed the Motion on the ground that the change about to be made (namely, to send the Scotch mails by Greenock direct to Belfast) would save expense and establish a better and more speedy mode of communication between Ireland and Scotland. He trusted that their Lordships would not upon any grounds, but he was sure they would not upon the grounds stated in this resolution, accede to the Motion of the noble Marquess.

Lord DE ROOS contended that the port of Donaghadee should be kept up, after the great expense that had been incurred upon it.

The Earl of GALLOWAY thought the request that had been made by the parties whose interests were affected by the alteration in the communication, was a very reasonable one, namely, that a trial of the two routes should be made during the winter, in order that it might be tested which was the most sure mode of communication. That request, however, reasonable as it was, was refused by the Government; and when an inquiry was moved for on the subject, founded upon petitions against the change that had been presented to their Lordships' House, unaccompanied by any petitions of a counter description, the Government had also refused to assent even to the appointment of a Committee. A few days subsequently a Motion was made for the production of papers preparatory to a Motion; but the papers were not produced till the morning of the very day on which that Motion was to be brought on, and no time therefore was allowed their Lordships for their perusal. With regard to the alleged superiority of the new route by Greenock and Belfast, it occupied no less than eleven hours and ten minutes in fine weather; and even on their own showing, he contended that the promoters of the alteration had not proved that any advantage in point of rapidity would be secured by the change. At all events, he thought it would be only a fair compromise—if the argument, as he apprehended, was not all on one side—to consent to test the question, by allowing a competition to take place for a reasonable period between the two ports of Greenock and Portpatrick, and then to decide according to the result of the experiment.

The Marquess of CLANRICARDE replied that no experiment was necessary, the voyage having been already tested by the result of the last twenty years' experience. The noble Earl had said the passage by Greenock took eleven hours in fine weather, but experience proved that the average was only nine hours and a half. With respect to what had been said in praise of Portpatrick, it should not be forgotten that the evidence before their Lordships did not at all by any means bear out these statements: for, among other officers who give similar testimony, Capt. Pechy declared on his examination, that he considered that the harbour of Portpatrick could not be made a safe port of either ingress or egress in south-westerly gales, without incurring an enormous expense.

On Question, House divided :—For the Motion 18; Against it 31: Majority 13.

Resolved in the negative.

SITES FOR SCHOOLS BILL.

House in Committee.

Lord REDESDALE proposed a clause for enabling proprietors of estates to grant five acres of land as sites for normal schools.

The Marquess of LANSDOWNE was understood to offer no opposition to the clause.

And after a few words from Lord Campbell,

The Clause was agreed to.

The Earl of POWIS then proposed the following Clause :—

> "And for the facilitating and obtaining of suitable sites for schools by exchange, be it further enacted, That when any common land not exceeding one acre, parcel of any manor, shall have been given, granted, conveyed, or enfranchised by the lord of the manor as a site for a school, pursuant to the said first-recited Act, and such land or any part thereof shall afterwards be exchanged for other land, pursuant to the power of exchange contained in the same Act, neither the land so originally given, granted, conveyed, or enfranchised by the lord and afterwards given in exchange, nor the land received in exchange for it, shall revert to or become a portion of the common lands of the said manor, or be subject to any common right or claim or title whatsoever of the lord of the commoners, but shall be wholly discharged therefrom; anything in the said recited Acts contained to the contrary notwithstanding."

Lord REDESDALE objected to the introduction of the clause, on the ground that it would be found inconsistent with the provisions of former Acts on this subject.

Clause negatived.

Report of the Amendment to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 12, 1849.

Minutes.] Public Bills.—1° Pilotage; Nuisances Removal and Diseases Prevention; Regimental Benefit Societies; Enlistment (Artillery and Ordnance).

2° Relief of Distress (Ireland) (No. 2); Petty Bag, &c. Offices Amendment; Commons Inclosure; Lunatics Asylums (Ireland); Labouring Poor Act Amendment (Ireland); Land Improvement Amendment Act (Ireland).

Reported.—County Rates, &c.; Chapels of Ease (Ireland).

3° Newgate Gaol (Dublin); Trustees Relief; Boroughs Relief; Titles of Religious Congregations (Scotland); Turnpike Trusts Union.

Petitions Presented. By Mr. Shafto Adair, from Cambridge, for the Duration of Parliaments Bill, &c.—By Lord Henry Bentinck, from Mansfield, for Universal Suffrage.—By Mr. Henry Baillie, from Inverness, against the Marriages Bill.—By Mr. Miles, from Bridgewater, for Agricultural Relief.—By Mr. Page Wood, from the Parishes of Hincksey, Sunningwell, Kennington, and Radley, for Protection in case of the Inclosure of Bagley Common.—By Mr. C. P. Grenfell, from Preston, for the Bankrupt Law Consolidation Bill.—From Kemerton, for an Alteration of the Law respecting the Conditions on which Grants in Aid of Education are dispensed.—By Mr. Thicknesse, from Lancashire, against the Mines and Collieries Inspection Bill.—By Mr. Heywood, from Wray with Botton, for an Alteration of the Poor Law Union Charges Act Amendment Bill.—By Mr. Henry Stuart, from Kilconniola, County of Antrim, for the Protection of Women Bill.—By Sir Henry Meux, from Ride, in the County of Hertford, for an Alteration of the Sale of Beer Act.—By Mr. Cardwell, frsm Liverpool, for an Alteration of the Small Debts Act Amendment Bill.

MERCHANT SEAMEN AND PILOTS.

The House having resolved itself into Committee; Mr. Bernal in the chair,

Mr. LABOUCHERE rose and said, that he proposed, in redemption of the engagement which he made at an early period of the Session, to call the attention of the House to various subjects connected with the mercantile marine of this country. He felt persuaded that it was wholly unnecessary for him to detain the House by any prefatory statement of the immense importance of the subject to which he invited its attention. He need not dwell either upon the vast amount of capital invested in the merchant service, the large and valuable portion of the population employed in it, or the immense mercantile and commercial interests connected therewith. It was his duty at a former period of the Session to call the attention of the House to a subject intimately connected with the interests of the merchant service, namely, the repeal of the navigation laws. On that occasion, in bringing forward the measure which he felt it to be his duty to propose, he encountered, as he anticipated, the opposition of a great and powerful party, to whose opinions he was aware the principle of that Bill was altogether contrary; and he did not feel any surprise, nor did he express any surprise, at the strenuous opposition which that measure encountered. But he entertained a hope that, with regard to the class of subjects to which he now invited the attention of the House, no such party feeling would be excited, but, on the contrary, that they would be able, in the most calm and dispassionate manner, to turn their attention to this subject; and, by united counsels, to dispose of it in the best manner possible with regard to the great interests concerned. He had already adverted to the change which Parliament had agreed to make in the navigation laws. Now, in any measures for the improvement of the mercantile marine, or its relief, he could not, consistently with the arguments he had used in favour of the repeal of the navigation laws, recommend these measures as a sort of compensation for any injury inflicted on the merchant service by the repeal of the navigation laws. If he did so, that would be inconsistent with the arguments he had used in asking the House to agree to the repeal of the navigation laws. If he had believed that an injury would be inflicted upon the mercantile marine of this country by that measure, no consideration would have induced him to propose it to the House. He trusted and believed that the evils which had been anticipated from that measure would not ensue. But while he did not propose any measures which, either now or hereafter, might be brought forward by the Government as beneficial to the merchant service in the light of compensation, yet he could not conceal from himself the fact that the attention of the merchant service would now be directed to all grievances under which they considered themselves to labour with a more quickened attention than when they were—some hon. Members might say "protected," but he said overwhelmed and injured by the navigation laws. And this was an additional reason why the House should attentively consider this class of questions. He did not by any means propose on the present occasion to take a general and complete view of all the questions affecting the merchant service, which indeed would be impossible in any single statement. But there were several questions of great importance to which he had turned his attention; on some of which he would be able to propose measures of relief and improvement, and on others upon which he should be unable to propose any measures that the House could consider as maturely as they deserved, so as to pass them into a law during the present Session, but on which nevertheless he was anxious to place the views of the Government in the shape of a Bill on the table of the House, in order that the House, the public, and the interests more especially concerned, might have an opportunity during the recess of giving to their proposal that attention which the importance of the subject deserved. The statement he had to make referred to several subjects which would be best comprised in a single statement, and he would at once advert to those points to which he intended to invite the consideration of the Committee. The first was the subject of the light-dues paid by the mercantile marine of this country. The burden of the light-dues upon the mercantile marine had been long and justly complained of with respect to their weight, their unequal distribution, and many other reasons connected with the system on which they were founded. In other countries the lights were maintained at the public expense, and from the public treasury. In this country they were maintained by tolls on shipping, under the management, not, as in other countries, of some general board responsible to the Government, but ancient corporations, which in England, Scotland, and Ireland exercised separate jurisdictions, under a general control of a most imperfect and inconvenient kind, which was vested in Her Majesty's Privy Council. That was the general system on which the light-dues were conducted in this country. He had on former occasions declared his opinion to be, that there was much in that system that required amendment; and although he thought it impossible to deal with this question as if they had a mere *tabula rasa* before them, and as if no such bodies and institutions existed, yet, on the other hand, he considered it to be the duty of the Legislature to improve this system, and make it more in harmony with the wishes of the mercantile marine, and the general principles on which the Government of this country was conducted. He would not on the present occasion retract any of these opinions. He had embodied the views which he entertained in a Bill that he introduced into Parliament last Session. The general principle of that Bill was to substitute for the inadequate and imperfect control of the Privy Council over these several bodies in England, Scotland, and Ireland, an efficient control by a Government board of management, and also to commute the present payments for a tonnage duty imposed upon the shipping at large. To the principles of that measure he still adhered; and if he had considered it advisable to lay upon the table another Bill of a like character, it would be founded upon the same principle, although he believed that the mode of carrying out the details might be materially improved. But inasmuch as any measure that he could introduce upon this subject would have no chance of passing into a law during the present Session, and as it must lie over until next year, he had come to the conclusion that it would not be desirable that he should lay any

Bill upon the table in the hope that it would pass during the present Session of Parliament. But, although he did not propose to introduce a Bill thereupon, he had turned his attention to that which he was most desirous of securing for the mercantile marine—namely, the possibility of obtaining for them a considerable and immediate relief from the burdens of the present light-dues. In consequence of this desire, he had put himself in communication with the Trinity-house of London, in whom the management of the English light-dues was vested; and he was bound to state to the House, that he had found, on the part of that corporation, an anxious and ready desire to co-operate with Her Majesty's Government on this important question. He was the more bound to make this statement, as he had often stated to the House, that, in his opinion, there was much in the system of the management of the lights by the Trinity-house that required revision and amendment. He had, however, found a ready acquiescence on the part of that body in the desire expressed by the Government to give immediate and substantial relief to the shipping interest in the matter of light-dues. With respect to the finances of the Trinity-house, hon. Members were aware that a great portion of the burden now laid upon the merchant service, arose from a debt contracted by the Trinity-house in buying up certain private lights, for which they had paid about 1,000,000*l.* of money — an operation undertaken in consequence of the representations of the merchant service, who were much aggrieved by the tolls demanded by the owners of these private lights. The Trinity-house, with the sanction of the Government, bought these private lights, and had paid off a portion of the debt by instalments; so that, at present, a little more than 500,000*l.* remained yet unpaid. The arrangement made with the Bank of England was, that the rest of the debt should be paid off at the rate of 50,000*l.* a year; and any material reduction in the tolls could only be effected by spreading the repayment of this debt over a greater number of years. He thought the time had come when the merchant service had a right to this relief. He could also say, that the Trinity-house had turned their attention to an improved economy in the management of their lights. The hon. Member for Montrose had frequently referred to the extravagant system of not employing rape oil in the light-houses, whereby a great loss was yearly incurred. He was glad to be able to state to the hon. Member, that he was informed the other day by the Trinity-house that they had already made the change he recommended on this subject. He believed that the Trinity-house were quite justified in giving this immediate relief to the shipping interest by the proposed economy in their system of management, and also by spreading the payment of the debt over a great number of years. The total gross receipt for light-dues received by the Trinity-house in 1847—he referred to English lights, because he did not believe that there was the same cause of complaint respecting the amount of dues for Scotch and Irish lights—was 318,000*l.* Of the above sum, the amount received from coasters was 145,000*l.*, and from over-sea traders, 173,000*l.* The Trinity-house proposed to reduce the burden of 318,000*l.*, now levied on the shipping, by no less than 97,000*l.* a year — that was to say, about one-third of that amount. This was the amount of reduction which, after due consideration, they were disposed to make; and they had communicated with the Government as to the mode in which the reduction should be carried out. If, therefore, the mode in which the relief was given should be objected to, he would take that responsibility upon himself. When he came to consider the manner in which the dues as at present levied were felt by the mercantile marine, he found that they were greater and more unequal with respect to vessels engaged in the coasting trade than those engaged in the over-sea trade. The old principle was, that every ship should pay for lights as they had used them; and that seemed fair; but it was only equitable if the light-dues were solely applied to the maintenance of the lights. But when it was considered that a portion of the income from light-dues was applied to charitable purposes, the principle was seen to act unequally to the coasting trade with relation to the foreign trade. He was also of opinion that the value of the cargo constituted a question in the amount of dues to be paid, as well as the tonnage of the vessel; and he need not remind the House that the cargoes of foreign vessels were much more valuable than the cargoes of our collieries, and other vessels engaged in the coasting trade. All these considerations induced them to believe that, having this sum to apply to the relief of shipping, it would be only just to give the larger share of this relief to the coasting trade. Accordingly, of this sum of 97,101*l.*, the amount of the proposed reduction, they intended to apply 70,000*l.* to the reduction of dues now paid by coasting vessels, that being nearly 50 per cent of the whole amount paid by this class of vessels. As it was intended that this altered scale of duties should come into effect from the 1st of October next, an immediate relief would thus be given, amounting to nearly one-half the sum now paid by the coasting trade. He would confine himself on the present occasion to a general statement, rather than enter upon any details; but there was a class of light-dues with respect to which it was proposed to make an immediate alteration. There were some lights on which double tolls were now paid; for vessels not only paid once, but also when they repassed those lights on their return from port. On that class of lights it was proposed to abolish the double tolls. The amount of reduction from over-sea traders in consequence of this exemption, was about 27,000*l.*, making a reduction of 16 per cent upon the whole amount of light-dues now paid by that class of vessels. It was not proposed to add anything to the light-dues; and this reduction of 50 per cent on the whole amount paid by coasters, and 16 per cent on that paid by over-sea traders, was, he trusted the House would be of opinion, a great and substantial relief to the shipowners. This relief, too, was given by no improper interference with the arrangement made between the Trinity-house and the Bank, and it was one which the mercantile service had a right to expect, and from which they would largely benefit. It was an arrangement made, too, at no sacrifice or compromise of any opinion which he had ever expressed as to the necessity of any revision of the principle on which the lights were at present managed; and the House were still as free to deal with that question as before. He should be glad if Parliament were able to deal with this subject next Session; but as he had not been able to propose a Bill with any prospect of its passing this year, he had thought it better to let it stand over for the present. He thought the shipping interest owed a debt of gratitude to that great corporation the Trinity-house for the manner in which they had met the just demands and wishes of that interest. [Sir J. GRAHAM: Is any Act of Parliament required?] No; the proposed arrangement could be effected by the Trinity-house, with the consent of the Privy Council, under the former Act. He should now come to the other question, which was one of very great importance, namely, the arrangements necessary to be made with respect to pilotage. This subject, as the House must be aware, was not a new one. Formerly — some years ago — when he was President of the Board of Trade, his attention was frequently called to this subject; and the right hon. Gentleman opposite, the Member for the University of Oxford, more than once urged upon him the necessity of dealing with the question of pilotage. When that right hon. Gentleman himself once more took his place at the Board of Trade, he (Mr. Labouchere) returned the compliment by calling upon the right hon. Gentleman to deal with that very pressing and important subject. No doubt, both had good reasons for the language which they held upon those occasions respectively; for there could be no doubt that the matter was one which deserved their best attention. Such, certainly, was the opinion of his lamented friend, the late Lord Sydenham, who, with great industry and talent, had devoted himself most assiduously to the pilotage question; and after much consideration and labour, had brought in a Bill, hoping by that measure to carry his views into practical operation. But he (Mr. Labouchere) was sorry to say that at that time local interests were too strong, and public interests too weakly represented, to leave him any chance of legislating on the affair of pilotage with any prospect of eventual success, or to afford a well-founded hope of introducing and carrying any efficient measure on that subject. Although he thought it necessary to make these few observations, he wished it at the same time to be understood that he was not coming forward with any great or general scheme, such as that which Lord Sydenham contemplated; and if he had such an object in view, he certainly should not have thought of bringing it forward at that period of the Session; but even now, though late, he had turned his attention to the matter, with a view to endeavour to introduce some practical amendments without delay into the present system. The system of pilotage in this country was under three jurisdictions—that of the Trinity-house, that of the Lord Warden of the Cinque Ports, while in some of the great cities and seaports of the kingdom, it was under the direction of certain local authorities and special jurisdictions. Thus, for example, the North Foreland, and that district relating chiefly to the port of London, was under the direction and authority of the Trinity-house; and when he called the attention of that corporation to the subject of pilotage, as well as to that of lights and to the state generally of our mercantile marine, and the whole shipping interest of the country, he was bound most fully to acknowledge the cordial spirit of co-operation with which he was met; and he was therefore enabled to state to the House, that there was a fair prospect of great and practical alteration upon the existing system of pilotage, as it affected an important portion of our mercantile marine. At present, as some hon. Members no doubt were aware, the coasting trade enjoyed an exemption from the system of pilotage; from that burden the coasting trade had some years ago been exempted; but vessels engaged in the foreign trade—the over-sea trade—were still obliged to take in pilots; though the master and mate might both be excellent pilots and well acquainted with the harbours to which they traded, they must nevertheless take in pilots, or at least pay for them. Nothing could be more obvious than that such a practice operated as a severe burden upon the foreign trade. At the time that such a rule was established, there doubtless were very good reasons for it. When the foundations of the present system were laid, he presumed it was considered necessary to make those provisions for the purpose of encouraging the local pilots. But, though that might, at the time to which he was referring, have been all very well, and though it may not now be expedient altogether to abolish the existing system of pilotage, yet he conceived that the time had arrived when it certainly ought to undergo very material modification. He would give an example:—A vessel trading between Liverpool and Dublin had no necessity to take in pilots at either of those ports; but if that vessel in any respect changed her destination—if touching at Dublin she went on to Brest, then she must have a pilot wherever she went; however competent might be her master and mate—however well acquainted with the port, they must take a pilot on board before they entered Dublin. The statement of that instance seemed to him pretty nearly sufficient; he thought that he need not multiply instances; and, having made the point, as he hoped, clear to hon. Members, it now only remained for him to have the satisfaction of saying he was enabled to state, that the corporation of the Trinity-house were perfectly willing—under certain restrictions which were reasonable as to over-sea vessels, to dispense with the use of pilots. Of course those restrictions or regulations would relate to the competency of the masters and mates of those vessels to discharge the duties of pilots in the cases required. It would be merely necessary that the Trinity-house should be satisfied that the masters and mates possessed the requisite qualifications. Upon this subject he admitted that it would be requisite to introduce a Bill; but the measure would be merely permissive; it would enable all bodies at present possessing jurisdiction to allow—if they so thought fit, and were satisfied of the qualifications of masters and mates—to allow them to exercise and discharge the functions of pilots. The pilots at present had a vested interest in their offices, and neither the Trinity-house nor any other body could interfere with that without subjecting themselves to the consequences of an action. [Mr. GLADSTONE requested to be informed whether the knowledge and qualification of the masters and mates in such cases were to be general or local.] It was to be more particularly local knowledge. This Bill would enable also the Lord Warden of the Cinque Ports, and the local jurisdictions at the provincial seaports, to exercise that power in such manner as they may think expedient for the benefit of our mercantile marine. He was not authorised by any of these parties to give any assurance to the House on this subject; but he ventured to indulge a hope that they would not be indisposed to follow the example, wholly or in part, that had been set them by the Trinity-house. It appeared to him that a great point would be gained by establishing the principle that in certain cases pilots might be dispensed with; that vessels should not be under the necessity of taking licensed pilots on board; and that in cases wherein masters and mates were ascertained to be competent to the task, the duty of pilotage should devolve upon them—that was in all cases where they were regularly authorised by the Trinity-house, or by any such sufficient authority. Again, however, he begged to remind the House that the Bill which he proposed to introduce would be permissive; and that its provisions would be so simple and obvious that there could be no difficulty in passing it through even during the remaining portion of the present Session of Parliament. If such a Bill, though permissive, should pass—of which he saw no reason to doubt—he had the satisfaction of being able to say that there was no just reason for apprehending that it would remain a dead letter; as with regard, at least, to the Trinity-house, he had every reason to be satisfied that it would be brought fairly into operation. That was the only measure that he proposed to carry through during the present Session. But there was another matter of very great importance; it was, however, one which he did not mean to submit to Parliament at present; still, although he did not at that moment propose to take the judgment of the House on such a measure, he nevertheless did not despair of inducing hon. Members to give it that degree of consideration which he was most anxious that they should give it, while he was himself desirous of laying on the table of the House the views which he entertained on the subject, in the hope that it would receive from the House and the country, during the ensuing vacation, that attention which its importance demanded, and which the general condition of the mercantile marine most especially required at their hands. He desired emphatically to ask the consideration of the House to the condition of our mercantile marine, especially as regarded the character and qualifications of the masters and mates, the discipline of the crew, and the general wellbeing of the whole service. There had been, as the House must recollect, some discussion on this matter during the debates on the navigation laws. He desired now to revive this controversy no further than to say that truth, and a sense of duty, compelled him to state his opinion, founded on much inquiry, which was this, that the present state of the qualifications of the masters and the mates, the present state of the discipline of the crews, and the general condition of the mercantile navy of England, demanded the serious attention of Parliament. He believed that he spoke the sentiments entertained by all well-informed men—he believed that he should not be contradicted by any mercantile man of eminence, or by any naval captain of experience, when he said that, as regarded qualifications, professional and scientific, the mercantile marine of this country did not stand so high as could be wished; he believed there was no one would contradict him when he said it was most desirable that Parliament should devote to that subject their most serious attention, with a view to considering whether some measure could not be introduced which would be calculated to put a stop to evils of an alarming magnitude—evils which, if not arrested, threatened the prosperity and welfare of that which was considered to be in England a most vital and tender point. On this subject, however, he gave way to no feelings of despondency. In England we had that which constituted the staple of a great mercantile marine — namely, the largest and hardiest seafaring population in the world. But this alone was not enough to make our mercantile marine what it should be. He should not trouble the House by going at any length into evidence for the purpose of proving the position which he had been laying down; but he could not help referring to the reports of our foreign consuls on the state of our mercantile marine, copies of which had been laid on the table of the House. There had been much discussion on the subject of those reports, and an opinion respecting them had been given in another place, to which he could not with regularity more particularly refer. That opinion, to which he attached considerable importance, had been given by Lord Ellenborough, who had bestowed on the subject much attention, and who was an excellent judge of the point on which he had pronounced an opinion. Lord Ellenborough said, that though the consuls might be influenced by a bias in favour of a particular conclusion, and though, in particular cases, they had drawn highly coloured pictures, yet on the whole there was great trust to be reposed in their accounts, and no one could doubt that their descriptions were fair and true. But there were two or three witnesses whose testimony he could not help calling to his aid, and who certainly could not be suspected of any bias. The first of these whom he should mention was Mr. M. Wigram, who stated, as was the fact, that the captains of merchant vessels engaged in the China and Indian trades were men of a higher order than those usually employed in English vessels trading to ports of Europe, and to that class of officers his observations did not by any means apply. Mr. Wigram gave the following answer to this question:—

> "Are your captains in general as well educated and as trustworthy men as the American captains?—Yes, I believe they are; but I do not

> mean to apply that to the European trade generally; the reports of the consuls on the Continent are too authentic to leave a doubt on that point.
>
> "Have you seen the reports from the consuls?—I have not read them attentively; but I know their general character, and I am afraid that they are too correct. I dare not challenge their accuracy as respects the continental trade."

Mr. Wigram's ships were principally engaged in the East India and China trades. He should next call the attention of the House to the evidence of Mr. Richmond, who delivered his testimony as follows:—

> "If I were to say the English captains had improved, I think I should state that which was not the fact; for the last twenty-five years respectable people hardly ever send a boy to sea, and the consequence has been that we have had to take the captains of our merchant ships from rather a less educated class of men than they used to be fifty or sixty years ago. I do not think their seamanship is one iota impaired, but perhaps their manners may be a little less refined."

They had, in the third place, the evidence of Mr. G. F. Young, who said—

> "That though he thought a too indiscriminate censure had been thrown upon the commanders of British ships, and not sufficient allowance made for the very large numbers we require, he believed, that taking the whole course of our trade, the captains of many foreign ships are a better class than many in our ships."

He should next quote from a book of no inconsiderable authority, the title of which was *A Glance at Revolutionized Italy*, by Charles Macfarlane, who addressed himself to this subject in the following words:—

> "It wounded my national pride to see the general run of our skippers cut so mean a figure, not only in dress but in manners, when compared with these smart Italian captains. No further back than twenty years ago, the Italian skipper was mostly a coarse dirty fellow, in an ill-cut weather jacket or greco, with a greasy hat and a very empty head under it. The change is prodigious. It seemed to me that, if there had been any change in the masters of our own common merchant vessels, it had been a change for the worse. This is matter of serious consideration, and especially now that hazardous changes are contemplated in our navigation laws."

It was to be remembered that the author of that work was a Protectionist.

> "Statists may make their tables, and bewilder us with returns and long arrays of figures, and treat men as ciphers; but if the condition of the merchant captain is getting worse instead of better, it must be seriously doubted whether our mercantile navy is improving; and without that nursery and treasury, what is to become of our national navy? Twenty-five years ago, in every part of the Mediterranean the preference was given to English bottoms, wherever they could be procured, and the rate of insurance was increased upon goods shipped in country vessels. There is no such preference now, nor, as I believe, any difference made in insurances."

There were other documents to which he might call the attention of the House, and amongst the number was a statement contained in a memorial from the Chamber of Commerce at Bombay, in the year 1842. In that document the writer spoke in very strong terms of the want of discipline on board of mercantile vessels, and, generally speaking, the incompetency of the captains and other officers; but that he did not impute so much to a want of scientific knowledge as to their low moral character, and, though frequently the captains might possess the necessary amount of knowledge, yet the mates were extremely ignorant and incompetent. Such were the opinions of the members of the Chamber of Commerce at Bombay; and though he had not the document with him, and could not quote the exact words, yet he ventured to say that he had faithfully stated their general purport. Further, he believed that there was a great want of proper regulations, and very imperfect discipline, in force amongst the crews of merchant vessels, much of which, no doubt, might be attributed to want of proper qualifications on the part of the masters themselves: when they were unqualified, it was too much to expect that any thing like satisfactory discipline could be maintained amongst the crews. Unless they proceeded, in the first instance, to render the masters respectable in the eyes of the crews, they could not by legislative enactment venture to strengthen the reins of discipline. He felt it unnecessary to weary the House with any further quotation from the evidence given before Committees, or from the reports of consuls, for he felt that he could appeal to the experience of all Members present in confirmation of the assertion that there prevailed in our mercantile marine a great and lamentable want of discipline; and he thought himself warranted in saying, with respect to the whale fishery, that we have altogether lost it on account of that want of discipline, and that it passed from our hands into that of our American rivals by reason of the superior discipline of the American crews, as compared with those of Great Britain. Having disposed of the first two subjects which he had thought it necessary to bring under the notice of the House, he should now enter upon the third point, and that was, the general condition of the sailors engaged in the merchant service.

It was with the utmost regret he was bound to acknowledge, such was the condition of our mercantile marine, that as many as 14,000 sailors had deserted from British merchant vessels in the course of one year. That statement he made on the best information that he could obtain from the office of the Registrar General of Merchant Seamen. There was one subject connected with the condition of the mercantile marine, and more especially with that of England, which he thought, in a peculiar degree, demanded the attention of Parliament, and that was the agreements entered into between the merchant seamen and those who employed them. In every mercantile country there were regulations respecting those agreements; they were not left, as other agreements between employers and employed, to be arranged according to the will and convenience of the parties principally interested. In other trades and businesses, it was usual to leave parties to themselves; in the merchant service, the practice of interference had always been recognised; and on that point he should quote an opinion expressed—not by an Englishman—but by a person of high authority in the United States of America; it was that of Chancellor Kent, who, in his great work, said—

> "We come next to treat of the laws applicable to seamen; and it will appear, for obvious reasons, that in the codes of all commercial nations they are the objects of great solicitude and of paternal care. They are usually a heedless, ignorant, audacious, but most useful class of men, exposed to constant hardships, perils, and oppression. From the nature of their employment, and their 'home on the deep,' they are necessarily excluded, in a great degree, from the benefits of civilisation, and the comforts and charities of domestic life. Upon their native element they are habitually buffeted by winds and waves, and wrestling with tempests; and in time of war they are exposed to the still fiercer elements of the human passions. In port, they are the ready and the dreadful victims of temptation, fraud, and vice. It becomes, therefore, a very interesting topic of inquiry to see what protection the laws have thrown around such a houseless and helpless race of beings, and what special provision has been made for their security and indemnity."

After having called their attention thus to the accurate and eloquent description which Chancellor Kent gave of the ill-advised and mischievous policy which would leave the agreements of the mercantile sailors to mere chance, he thought he had done all that could be considered necessary for inducing the House to adopt, at no distant time, measures for the protection of the British sailor. In proposing an improved system, he hoped the House would understand that he had no intention of proposing any new principles, but merely of laying a ground for obtaining the sanction of the Legislature to that which every one must admit to be necessary, and which indeed the existing law sanctioned in principle, although it did not effect it in practice—the principle of obtaining trustworthy agents in the negotiation and settlement of agreements. Every one acquainted with the subject was ready to admit that nothing really important could be accomplished, unless they began by securing the respectability of the agents employed in negotiating agreements. The case as it at present stood, left the sailor open to the greatest frauds. In America those agreements were usually arranged through the instrumentality of notaries public; but in this country there was no person of corresponding rank to a notary public to undertake that duty; the broker would not take it, and the unavoidable result was, that it came to be left in the hands of the crimp. During the last Administration measures had been taken, by the Admiralty, he believed, for abating the evil, that department insisting that agreements should be made by none but licensed agents, and no man was thenceforward allowed to undertake that species of agency unless he obtained a license; but unfortunately that system fell very far short of what was necessary. The Board of Trade, no doubt, did what they could to select respectable agents, and to exclude from the privilege of licenses all lodging-house-keepers; but still the employment of crimps remained absolutely unavoidable. But from the class of persons so employed, they made it a point to exclude slopsellers; and, without bringing any sweeping charges against any class of men, he might say, that the present state of the law did not afford adequate protection for the sailor. If they wished to effect an improvement in the conduct of the sailors, they must make that class of men satisfied with the contracts into which they entered. If they wished to improve the condition of the mercantile seamen, they must manage to have their contracts with their employers concluded through the instrumentality of a very different set of officers from those who were at present engaged in it. It was also necessary to make a beginning in the way of sanitary reform as regarded the condition of our mercantile shipping. No man who read the report of the Board of Health could for a moment doubt that a very material change in the sanitary condition of the sailor had become indispensable. It was indisputable that in our mercantile vessels the sailors were stowed away in a manner that could not fail to generate disease, and often even death itself. It was an evil of which no one denied the importance, and, although permanent and extensive improvement could only be accomplished by enlightening the minds of the seamen, and reforming their habits, it still was desirable that something should be done. Thus far, however, he had contented himself with a mere outline. When a Bill upon the subject came to be laid on the table of the House, hon. Members would be enabled to judge for themselves respecting the details which might be comprehended in such a measure. There were three subjects on which it was important that they should legislate. The first related to the proposed practice of the duties of pilots being performed by masters and mates; the second to discipline; and the third to the general condition of the seamen engaged in the merchant service. He had given an outline of the measures that he contemplated; he now committed those plans to the attention of the House, and invited to them the careful and deliberate consideration of hon. Members during the ensuing vacation. He could sincerely assure any one who heard him that he should willingly attend to any suggestions with which he might be favoured on these important subjects; and early in the next Session he hoped that he should be able to introduce the measures to which he had that day called the attention of the House. It unfortunately happened that at present no department of the Government was in any degree responsible for the condition of our mercantile marine. The Admiralty and the Board of Trade—whether with or without professional advisers—were under no responsibility whatever. He proposed to give in this matter authority to the Board of Trade, and with authority responsibility; but, in order to effect all the objects that he had in view, it would be necessary to create or derive from the Board of Trade a department—not a board—but a Department of Mercantile Marine. He proposed that there should be attached to that Department of Mercantile Marine two persons who had been captains in the merchant service of the country. He thought that if any office were to be constituted, possessing executive authority in many important respects over the mercantile marine, that marine had a right to expect that some members of their own body, cognisant of their feelings, and able to give advice on this class of subjects to the President of the Board of Trade, should be attached to such a department. He would now state what he proposed to do with respect to the first point to which he had referred—the qualifications of masters and mates in the merchant service. There was at present a system of voluntary examination for masters and mates. He believed that system had been carried out to a considerable extent, and that it had been generally beneficial to the merchant service; but he had no hesitation in saying, after some experience, that that voluntary system was not sufficient to meet the necessities of the case. He believed, that in some of the outports this examination was not quite what it ought to be. He did not wish to go into particulars, but he would only say, that from the general result of his inquiries he did not think the examinations were sufficiently strict, or that they were working in that uniform and satisfactory manner which was desirable. He proposed, therefore, that in future these examinations should be conducted under the direction of the Board of Trade, through the instrumentality of the Department of Mercantile Marine; that certificates should be given by the examiners, divided into three classes, with reference to the size of the vessels a person should be entitled to command; and that in future every master or mate, before he could be intrusted with the command of a vessel, should be obliged to pass the examination and obtain a certificate. He proposed that this system should be prospective, because he thought it would be inexpedient and unjust—indeed he might almost say impossible—to apply the system to those masters and mates who were already engaged in the merchant service. He conceived that it would be in the highest degree unjust and inexpedient to require men who had been brought up to that service, and whose prospects in life depended upon it, now to undergo an examination for which their previous studies might not have qualified them; but he would propose that all captains and mates who had already commanded merchant vessels should be required to go to the Department of Mercantile Marine, and obtain certificates, not of qualification, but merely of service—that they should be simply bound to prove that they had commanded merchant ships, that they had been masters in the Royal Navy, or that they had been in the service of the East India Company, and that they should then be entitled to command merchant vessels. He proposed also that, in future, if the master or mate of a merchant ship, whether holding a certificate upon examination, or merely a certificate of service, should in the discharge of his duty grossly misconduct himself—proving either a total want of that knowledge which was indispensable to the proper command of a merchant vessel, or that his moral conduct utterly unfitted him to be intrusted with the discipline and superintendence of a ship—such person should be deprived of his certificate. He thought there would be nothing unjust in this provision; but that, on the contrary, it would be attended with great advantage to the interests of those connected with the merchant service, and who were dependent on the skill and qualities of its officers. He might mention also that he proposed that, when a merchant captain was guilty of gross misconduct, attended with loss of life or property, such misconduct should constitute a misdemeanour, for which the offender might be tried before the ordinary tribunals. He believed, from the communications he had had with shipowners on the subject, that they would regard this provision as a very important guarantee against the misconduct and negligence of the persons who had charge of merchant vessels. The two other branches of this subject—the discipline of the crew, and the condition of the seamen—were so much intermixed that he would deal with them together. He had already said that a great deal depended upon the character of the agents employed to draw up contracts between sailors and their employers, and that a very material alteration and improvement of the existing system in this respect were absolutely necessary. He proposed to substitute for the present system of licensed agents shipping officers, to be public officers, established in the principal ports of the country, and through whose instrumentality these contracts should be formed. He was not altogether without precedent in proposing this change. He believed there was no port in the British dominions where, owing to particular circumstances, to which it was unnecessary for him now to advert, the evils attending the crimping system, and the mode of making these engagements between sailors and employers, were so rife and flagrant as in Quebec. This subject excited the greatest possible dissatisfaction and complaint among the mercantile interests of this country; desertions were very frequent; the crimps were bidding over one another for the sailors; the seamen became utterly undisciplined and demoralised; and the high wages they obtained fell into the hands of the crimps and slopsellers—the harpies by whom the sailor was induced to desert, and by whom he was pillaged. Representations had been made to him from nearly every port in England on this subject, and he had stated in reply that it appeared to him the remedy must come from the local legislature of the colony, for he did not see what could be done by Parliament or by the British Government. The local legislature at Quebec applied themselves to the question, and the Colonial Assembly passed an Act establishing a public shipping officer at Quebec, before whom it was required that the contracts between sailors and employers should be made, and who was responsible for their proper conduct and management. From the information which had reached him, that measure had been fully and completely successful; desertion had greatly diminished at Quebec; the complaints of merchants were much less frequent; the condition of the sailor had been improved; and the trade of that port was becoming regular and well conducted. This change was not effected without considerable opposition. Some very important interests in the port of Quebec felt themselves greatly aggrieved by the measure, and endeavoured to persuade the legislature to abandon the Act; but the legislature of Lower Canada was firm upon the subject, and adopted the Act, though by a very small majority. The Board of Trade and the Mercantile Board of Quebec were in favour of the alteration; and their wish was that the regulations should be made even more stringent than at present. He thought, then, that the success which had attended the measure in Quebec, afforded strong ground for believing that a similar measure applied to this country would go far to remedy the existing evils. He therefore proposed that shipping officers should be established in the ports of this country; and he believed those officers might be made instrumental at once in affording protection to the seamen and in improving their discipline. He proposed that all ships' agreements should be signed in the presence of the shipping officer, attested by him, and explained by him to the sailors; and that all agreements, in addition to the items required by the 7th and 8th of Victoria, chap. 112, should specify the nature and length of the voyage, the scale of provisions to be furnished to the men (such scale to be in accordance with any regulations made by the Board of Trade), and any regulations as to the conduct of the crew on board, and the fines for misconduct, which might be sanctioned by the Board of Trade, and to which the parties agreed. The last subject was altogether voluntary. He believed that on board all well-conducted ships articles of agreement were now entered into with regard to discipline; and he proposed that—suggestions being made by the Board of Trade for maintaining a proper system of discipline, and for imposing suitable fines as punishments for breaches of discipline—the seamen should be invited by the shipping officers to subscribe agreements embodying such suggestions, which would then, of course, be binding and obligatory upon them. The dietary, also, was to be compulsory upon the shipowners as well as upon the sailors. That was a provision intended for the protection of the seamen. He believed that, in the case of all well-conducted ships at present, a scale of dietary was agreed upon by the sailors and their employers; and he considered that it would be a most useful regulation to apply that plan to the merchant service generally. He understood that one-half the quarrels and disputes that arose between sailors and their employers turned upon the question of diet. He believed that in some ships the poor sailor was half starved, and very improperly treated; and he, therefore, thought a scale of dietary properly framed would be a very useful thing, and he did not anticipate any practical difficulty in carrying it out. He might also add, that a logbook, drawn up in proper form, would be supplied to every ship, and that it would be required that the fines levied under the regulations should be entered in that book, which would be a check upon the conduct of the master during the voyage. At present the logbooks of merchant ships were in most cases mere waste paper; but in future every merchant vessel would be required to keep a regular logbook according to the form furnished by the Government officer. He believed this plan would remove many causes of discontent and complaint on the part of the merchant seamen, and that the system of fines would tend to the better enforcement of discipline. He was so much impressed with the absolute necessity of strengthening the means of maintaining discipline on board merchant ships, that he proposed to give to captains having first-class certificates, and commanding vessels of a certain amount of tonnage, a power which he believed to be necessary for that purpose; and although he admitted it was a power against the abuse of which they ought to guard by all possible means, he thought it was one which ought to be intrusted to captains in some cases. He would propose that, for specified offences, they should possess the power of imprisoning on board ship for a limited period. He would require that an entry of the imprisonment should be made in the logbook; and he believed—looking at the evils produced in the merchant service from the want of discipline—that, when they had taken all possible precautions against the abuse of this power, it was for the benefit of the crew, and for the general interest of the mercantile marine, that the captains should be permitted to inflict such a punishment. A far more stringent system of discipline than would be established by this Bill was practised in the American merchant navy, where corporal punishment was very frequently resorted to. Public opinion in the United States supported the merchant captains in the enforcement of that punishment; and he believed the reason was, that those merchant captains were a class of persons in whose general character and conduct the American public placed great confidence. He mentioned this circumstance to show that in that free and mercantile country there was a general opinion that the merchant captains—after means had been taken to ascertain their trustworthiness—should possess great power for the maintenance of discipline. The circumstances of the trade of this empire had undergone great alteration within the present century. During the war our merchant ships were almost always within reach of ships of the Royal Navy. At present that was not the case. To many of our distant stations in China and the Pacific, the visits of ships of the Royal Navy were few and far between. A merchant ship might be a year or two without coming near a ship of the Royal Navy; and he, therefore, considered it was absolutely necessary that captains of merchant vessels should have the power of enforcing proper discipline among the crews under their command. He proposed, also, that when a ship returned to port her crew should not be paid off on board, as was now the case, but in the presence of the shipping officer; that the shipping officer should then inspect the logbook; that he should hear anything the crew might have to say in the way of complaint; that, in the case of disputes between the captain and sailors, when the amount was under 40*s.*, the shipping officer should have a summary power of adjudication; and that, with regard to disputes, when the amount was above 40*s.*, the shipping officer should have the power of adjudication if both parties agreed to refer the matter to him; but if not, the dispute should be decided in the ordinary mode. This plan would establish a simple tribunal before which questions of that kind could be speedily settled, instead of leaving the sailor—as was at present frequently the case—to call in the aid of some low lawyer, and it would also obviate much of the squabbling and litigation which now took place on the return of ships to port. With regard to the point to which he had before adverted—the sanitary condition of ships—he would propose that a space of not less than eight feet should be appropriated to each seaman in that part of the vessel in which the cabins were placed. There was another respect in which he believed the new functions of the Board of Trade might be exercised with advantage—he meant with regard to the registry of seamen. He believed that the present system of registration of seamen had in a great degree disappointed the expectations of those by whom it was proposed. The system of tickets had been found on the one hand very grievous to the sailor, and on the other very ineffectual in preventing most extensive frauds. He found that forged registry tickets could be bought in Wapping to any extent; and certainly, if the present system, which was very burdensome and vexatious to the sailor, did not answer its purpose, it ought not to be continued. He believed the only point with respect to which the ticket system had any real and beneficial operation, was in the case of apprentices; and he thought, after the change which had been introduced by a recent Act, that no substantial reason now existed for keeping up the system of registry tickets. He wished to give the Board of Trade the power of abolishing the system of registry tickets; and he would propose to unite the registry office with the new department of the Board of Trade, for he thought all that was now done usefully and properly with regard to the registration of seamen, could be effected through the instrumentality of the shipping officers. He therefore proposed in the Bill to give the power of transferring the Registry Office to the jurisdiction of the Board of Trade, and of putting an end to the system of registry tickets. He ought to have stated before that he proposed that a small fee should be taken by the shipping officers upon the agreements between sailors and their employers, such fee not to be higher than that now paid to the licensed agent for performing the same duty. From the fees thus paid, and from the fines levied upon the seamen for breaches of discipline, a fund would be created. It was very difficult to form an estimate of what the amount of that fund would be; but he thought it would probably be about 40,000*l.* a year. He proposed that the expense of the shipping officers should be defrayed from this fund; but he did not calculate that the amount required for that purpose would be more than about 10,000*l.*, and a considerable surplus would therefore remain. Now, he did not wish to define too closely in the Bill the objects to which that amount should be appropriated, but he thought it might be devoted to very useful purposes. In considering the manner in which that fund should be appropriated, they ought to bear in mind the sources from which it was derived. That part of the fund derived from the fees paid upon agreements, would come in reality from the shipowners, while the other part of the fund arising from fines—which he apprehended and hoped would be the smaller portion—would come from the sailor; and he thought this difference of origin might fairly influence the application of the money. He had no matured scheme to lay before the House with regard to the disposition of these funds; but he proposed that they should be applied under the direction of the Board of Trade. He thought, that out of those funds good-service pensions might be given to masters and mates in the merchant service whose conduct had been meritorious. He considered that any improvement in the position of masters and mates in the merchant service, was the keystone to the general improvement of the mercantile marine. He attached great importance to that part of the Bill which tended to raise the qualifications of masters of merchant ships, and he had no doubt it would lead to their obtaining increased salaries. The rates of salary now given to the masters and mates in the merchant service were in many cases utterly inadequate and improperly low, and he would be very glad if the measure he now proposed operated in obliging shipowners to give higher wages to those in their employ who discharged the important duty of commanding merchant ships. He considered, then, that part of this fund might be appropriately given, in gratuities and good-service pensions, to the most deserving masters and mates. He thought, also, that good might be done by giving captains in the merchant service who obtained first-class certificates the right to wear some badge of distinction which would give them a sort of authority in foreign ports, and which would no doubt be gratifying to them; for he believed the raising of the position of these masters in their own estimation and in that of the public would be attended with very beneficial results. With regard to that portion of the fund arising from fines upon the seamen, he considered that money so derived should be applied to the benefit of the seamen themselves; and he thought means might be found, in conjunction with the Merchant Seamen's Fund, or in some other way, of devoting such money to some object bearing directly upon the well-being of the merchant seamen. There were some other points of a minor description in the Bill—such as an alteration in the system of advance notes—with which he would not now weary the House; for, as he did not press for legislation on the subject during the present Session, he had thought it better to confine himself to an outline of the main features of the measure. He regarded this as a subject of the greatest importance, and he was most anxious that it should obtain from the House and from the country that full consideration which, from its immense consequence to the highest interests of the empire, it amply merited. It was with this view that he had brought forward the present measure. He was very far from supposing that it was not susceptible of great improvement; but with regard to its main principles, he firmly believed that no measure would adequately meet the necessities of the case which was not directed to improve the character and qualifications of those to whom the command of merchant ships was intrusted, to strengthen the discipline of the crews, and, as far as possible, to improve the sanitary and moral condition, and to promote the contentment of the great seafaring body engaged in that mercantile marine which was intimately connected, not only with the wealth and prosperity, but also with the security and national defence of the country.

"*Moved*—1. That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Laws relating to Pilotage.

"2. That the Chairman be directed to move the House, that leave be given to bring in a Bill for improving the condition of Masters, Mates, and Seamen, in the Merchant Service."

MR. GLADSTONE said, that if the right hon. Gentleman felt that he had reason to thank the House for the attention with which it had listened to his statement, it appeared to him that the House and the country were not less indebted to the right hon. Gentleman for the very interesting and comprehensive view he had taken of a class of subjects to which was attached very little of popular or exterior attraction, but which were at the same time of the deepest and the most vital national importance. He would not attempt to follow the right hon. Gentleman throughout the greater portion of the details into which he had entered, or the plans he had suggested. It was perfectly obvious that the particulars of those plans would require a far more detailed and prolonged consideration than could be given to them while listening to such a statement as that which they had just heard. He should therefore confine himself to a very few and cursory remarks on different portions of what had fallen from the right hon. Gentleman. Now with regard to the question of light-dues, with which the right hon. Gentleman had commenced his observations, he should state that he was exceedingly glad that the right hon. Gentleman had succeeded in obtaining for the mercantile marine of this country a very considerable remission of the burdens to which they were subjected by that class of payments; and he felt that those who were intrusted with the management of the corporation of the Trinity-house, whatever might be thought of the constitution of that body on abstract principles, deserved the distinct approbation of that House for the disposition they had shown to appreciate with an enlightened judgment the exigencies of the times, and to meet the reasonable demands of those who were peculiarly interested in that matter. He should only add, that he regretted that the right hon. Gentleman had not, simultaneously with the recognition of those demands on the part of the Trinity-house, again laid on the table the Bill which he had formerly introduced; because, although the right hon. Gentleman had stated that, by accepting that arrangement with the Trinity-house, Parliament and the Government would not be precluded from entering into a larger consideration of the question of the light-dues, yet he (Mr. Gladstone) should say that he thought their liberty in that respect would be more clear and unquestioned if there had been some practical assertion, by laying that Bill on the table, of the necessity of a further consideration of the whole principle on which light-dues were at present raised, and on which the management of them was conducted. With respect to the regulations to which the right hon. Gentleman had referred, he took it for granted that the right hon. Gentleman had carefully considered the legality of the system which he proposed to establish. But he could not help saying that the duty of drawing a distinction between the various classes of vessels, and the various classes of voyages, with respect to light-dues, was a duty which it would be necessary to exercise with the utmost delicacy and discrimination. He believed the right hon. Gentleman had referred to only one particular description of remission of dues. The right hon. Gentleman said, as he had understood him, that ships which had sailed from a port at which they had paid the light-dues, should not again be subject to the payment of those dues on the homeward voyage.

MR. LABOUCHERE said, that what he had stated was, that there were certain exceptional cases in which the light-dues were paid twice, and he proposed to do away with those exceptions.

MR. GLADSTONE was glad to receive that explanation from the right hon. Gentleman, as it appeared from it that he only meant to remove exceptions to the general practice at present in existence. With respect to the question of pilotage he would not enter into that subject farther than to say that he regretted to find that the right hon. Gentleman had taken such a view of the connexion between that question and the repeal of the navigation laws, as to have prevented his having submitted to the House the statement he had just made at an earlier period of the Session; because he (Mr. Gladstone) could not but apprehend that although the plan of the right hon. Gentleman with respect to pilotage appeared *primâ facie* to be one which it would be very desirable to carry into effect, if that could be done consistently with perfect justice, yet he could conceive that there might be parties who would consider that it would so far interfere with their rights that they would be entitled to ask the House not to proceed to legislate on the subject without a greater degree of consideration than they could then bestow upon it. He should, however, pass from that matter to an omission which he noticed in the statement of the right hon. Gentleman. He meant the omission of the right hon. Gentleman to give them his views upon a subject on which it appeared to him that an exposition of those views was necessary in order to make the statement of the right hon. Gentleman complete, namely, the Merchant Seamen's Fund. The right hon. Gentleman had told them that, under the measure which he proposed to introduce, there might be funds raised which would be available for strengthening the Merchant Seamen's Fund; but he (Mr. Gladstone) regretted to find that the right hon. Gentleman had not given them any specific exposition of his views upon that subject. Now, the general observation with which he (Mr. Gladstone) had set out, that those questions were both difficult and unattractive, and were, at the same time, of the greatest importance, and of pressing exigency, was eminently applicable to the question of the Merchant Seamen's Fund. They had prevailing, with regard to that fund, the grossest inequalities, which had entailed great hardship and injustice on seamen. In raising that fund they subjected seamen to a tax of a very exceptional character, for no other labourers were liable to a tax on their wages; and the tax was, at the same time, one from which those men derived no corresponding advantage. It appeared to him that it was a very difficult question to decide whether the House ought to resolve on winding-up the concerns of the Merchant Seamen's Fund altogether, and, at the same time, compensating those who had claims on it, or whether they ought to endeavour to put that fund on an improved basis. But it was perfectly clear that, independently of other objections to the present management of the fund, it was at present galloping towards insolvency, and in a few years they would be driven to legislate with respect to it, whether they should will it or not. He feared that the fund was insolvent at the present moment; but at all events it was perfectly clear that it was becoming every year more and more unable to meet the charges upon it. Under these circumstances, he certainly had hoped that the right hon. Gentleman, who had paid so much attention to these subjects, would have stated to them his views with respect to that fund; and he trusted that the right hon. Gentleman would at least hold himself bound to them thus far, that they were to understand that it was his intention to introduce a Bill for the definitive settlement of that question at an early period of the next Session. So far as he (Mr. Gladstone) was concerned, he could venture to promise the right hon. Gentleman that he would have his cooperation in endeavouring to effect such a settlement, and that he was so sensible of the extreme urgency of the case, that no objections on his part to any minor details of the plan of the right hon. Gentleman would prevent him from giving him his best support on the subject. He should next pass to the great and comprehensive scheme which the right hon. Gentleman had developed in the latter part of his speech. He emphatically agreed with the right hon. Gentleman in the principle that if they wished to make a real reform in the character and condition of our mercantile marine, they should first endeavour to improve the character of the masters and mates; and it was only by what they might achieve in respect to them that they could hope to succeed in their projects with respect to their crews. He believed that wherever they found a ship with a disorderly and disorganised crew, they would, in general, be as fully justified in ascribing the state of such a crew to the inefficiency, or the immorality, or the ignorance of the master, as they would be justified in ascribing the state of a disorderly and disorganised school to the incapacity of the schoolmaster. There could be no doubt but they ought to have such relations established between the master and his crew as would place in the hands of the former ample powers for ensuring order on board his ship; and with whose powers there should be a corresponding responsibility. He was, on the whole, glad to find that the right hon. Gentleman intended to propose a system of compulsory examination for masters and mates, and, at the same time, to make that system merely prospective, and not to attempt to apply it to those who were at present masters and mates. He was, indeed, so fully convinced of the necessity of not dealing harshly with those parties, that he had heard with some doubt and scruple the right hon. Gentleman announce, as part of his plan, that the certificates of service which might already have been obtained by masters and mates, were to be withdrawable in case of gross misconduct; not that he thought there was anything unfair in that principle, but because he could not help questioning the propriety of giving to a subordinate portion of an executive department a power of judging of the conduct of masters and mates, and entailing on them far more severe consequences than any to which an ordinary tribunal would subject them for any offence short of a crime, while they would not have the securities in their favour which a court of justice would afford them. He was glad, however, to find that the right hon. Gentleman meant to define certain cases of gross misconduct which would render masters liable to that penalty; and he trusted that the right hon. Gentleman would find no difficulty in the application of his principle. But he was sure that the right hon. Gentleman would not find fault with him for suggesting that the mode of proving a degree of misconduct, which was to be followed by the withdrawal of a certificate of service, was a matter that would require, in all its details, the most anxious and careful consideration. The right hon. Gentleman had told them that he intended to apply the principle of the compulsory intervention of the public officers in the formation of contracts of service between seamen and their employers. Now, into that, and into many other matters to which the right hon. Gentleman had referred, he should think it premature, at that moment, to enter. The right hon. Gentleman had great ends to attain; and that was not the time for considering the details of his plan. He concurred with the right hon. Gentleman in giving credit in general to the reports that had been made with respect to the deficient state of our mercantile marine. They were not there to disparage the noble qualities that belonged to the character of the British seaman. But that was not the question with which they had to deal; for they were not to be considered as decrying those qualities, or as denying that, on the whole, the mercantile marine of England should be considered the first, perhaps, in the world, because they said that where they found practical defects, they would endeavour to remedy them. But, at the same time, the matter involved so much interference with the free agency of individuals, that it was obviously one of the greatest difficulty, and he should wish to have before him the whole plan of the right hon. Gentleman before pronouncing any definitive opinion with respect to it. He could not, however, help making another remark with respect to a particular clause in the Act which the right hon. Gentleman had lately succeeded in obtaining for a modification and almost for a repeal of our navigation laws. The right hon. Gentleman had found that the state of the British mercantile marine was, in very important respects, eminently defective, and he proposed to cure that defective state by a set of regulations involving great interference on the part of the Government, and involving a great complexity and minuteness of rules, and which would place the profession of a seaman, and still more the profession of the master of a merchant vessel, in a kind of pupilage. Now, he did not find fault with the right hon. Gentleman for having done those things; but, with the moderate faith that he had in the success of any merely mechanical set of rules, he was bound to ask himself whether there was no other measure of a larger, more vigorous, and, ultimately, of a more certain operation, which they ought to adopt for the improvement of the character of masters and sailors in the British mercantile marine. He thought there was; and that measure would be, to apply to the command of vessels, and to the manning of vessels, the principle of competition which they had applied to the carrying trade and to the building of vessels. He deeply lamented to find that the right hon. Gentleman had not applied that principle to the manning of ships. The right hon. Gentleman had deprived the shipowner of his monopoly; he had deprived the shipbuilder of his monopoly; but the monopoly of the sailor he still proposed to retain. Now, the right hon. Gentleman had always held—and he had repeated the opinion that day—that in taking away the monopoly of the shipbuilder and of the shipowner, he was not inflicting on them an injury, but conferring on them a great benefit; and he (Mr. Gladstone) could not understand why the right hon. Gentleman was not prepared to confer a similar benefit on our seamen. He was persuaded that every reason that went to show that they had been right in repealing the navigation laws, would also prove that they ought to allow our shipowners to choose whatever seamen they might please. He was convinced that no system of sanitary regulations—that no system for the examination of masters and mates, however good such a system might be in itself, would enable them to attain the end they had in view, unless they applied the healthy principle of competition to the system on which our ships were manned, as well as to the system on which they were built, or to the system on which they were employed in the carrying trade. He could assure the right hon. Gentleman that it was not from any wanton desire to revive the discussion on the navigation laws that he had made those observations, but it was because he wished to express his conscientious conviction that a similar relaxation of our laws in the present case lay at the root of any good system for improving the condition of our mercantile marine. He thought they had the most distinct reasons to believe that the repeal of the navigation laws was a safe measure as regarded our shipbuilding and our carrying trade; but he thought the evidence was still more demonstrative that the British sailor could compete with all the sailors in the world. It appeared to him that that fact was sufficiently established by the eagerness with which our sailors were sought after in foreign countries. It was a painful fact, and one which they ought to lay to heart, for the purpose of giving to it its true value, that in one year 14,000 sailors had deserted our merchant service; and no doubt many of those sailors were at present navigating American ships, under the strict discipline which prevailed in the American marine. Our present system did not, therefore, keep our sailors in our own service. On all those grounds he trusted that the right hon. Gentleman might be disposed, during the interval between this and the next Session of Parliament, to reconsider the view he had taken with regard to the manning of our ships since the repeal of the navigation laws. He, for one, was convinced that next Session would not pass over, and ought not to pass over, without an effort being made to give to the British shipowner the freedom to which he was entitled of manning his ships as he might think fit. But while he said that, he did not wish to disparage or to deprecate the importance of the efforts which the right hon. Gentleman had made for the improvement of our merchant service. On the contrary, he was ready to give him the highest credit for those efforts; and he felt most anxious that he should succeed in the difficult task he had undertaken to discharge.

Sir G. CLERK would for the present abstain from offering any observations on the main statements of the right hon. Gentleman, as he proposed simply to lay his Bill on the table for the present Session; but he desired to offer a few remarks on the modification proposed of the light-dues, and with regard to the law proposed to be introduced as to pilotage. With regard to the light-dues, he was ready to concur with the right hon. Gentleman in reducing them to the lowest scale consistent with the safety of the trade on the coasts. He was glad the right hon. Gentleman was disposed to continue them, and only proposed to regulate that tax so as to make it press with more equality. With respect to the right hon. Gentleman's proposition to introduce a Bill, and pass it this Session, with respect to the pilotage, the Cinque Ports would be very materially affected by that Bill, and, as Member for Dover, he had no hesitation in saying he should protest against the passing of a Bill of this sort during the present Session. There were local interests which would be so deeply affected by this Bill as to make it highly important that there should be time to have it considered whether the measure would be acceptable to the shipping interests or not. It was generally understood that the present Session would be brought to a close in three weeks, and what time therefore was there for the consideration of such a measure as this? The right hon. Gentleman had stated that the measure of Lord Sydenham had been defeated by local interests; and did not that prove that local interests did exist which would have to be consulted? He thought he had some reason to complain that the right hon. Gentleman, if he had intended to pass this measure this Session, had not brought it on three months ago. It had nothing to do with the repeal of the navigation laws, and might just as well have been introduced in February last as now. What was the principle of the alteration proposed? He believed no person entertained a doubt that it was absolutely necessary for shipping interests, for the safety of property and life, that there should be upon the British coast a considerable body of experienced pilots who thoroughly understand the navigation of our difficult seas, and who were enabled, from their continual practice of sailing through them, to conduct vessels of the largest draught with safety, where less experienced hands would be liable to expose them to danger. If it were necessary to have them, and they were now to be interfered with in the way proposed, it would be requisite to raise a fund, out of which they would have to be paid to such an extent as would enable them to devote the whole of their time to their duties. Frequent inquiries had been made in reference to the pilotage; and it had been shown that neither the Trinity-house nor the Cinque-port pilots were excessive in number; and it had been stated by several witnesses that the income of the Cinque-port pilots was somewhere about 110*l.* to 120*l.* a year—no way an unreasonable sum for persons who were obliged to expose themselves to such imminent risks and dangers as they had to pass through. In order to raise the fund necessary for the payment of those pilots, the principle had been that every ship sailing along our seas was bound to take a pilot. If half of the ships were now to be exempted from that obligation—if this Bill was to make it optional whether a pilot should be taken or not, it would be perfectly manifest that to keep up the present number of pilots (the number could not be reduced) it would be absolutely necessary to call for a higher rate of pilotage from such vessels as did take pilots than they had to pay now. It might be easy enough, by reading a book on the subject, to pass an examination at the Trinity-house, so as to acquire a slight knowledge of the dangers of the Channel; but if such persons had not a practical knowledge on the point, and returned fifteen or eighteen months afterwards and ventured to pass along without a pilot, their theoretical knowledge would in all probability have passed away, and they might find themselves exposed to serious dangers. But what was to be done with respect to foreign vessels? Were foreigners, under all circumstances, to be compelled to take pilots? Would that be consistent with the principle of the present navigation laws? Why, if that were to be attempted, there would be a representation in London from the American Minister next day against it.

Mr. LABOUCHERE said, he should put foreign ships in the same situation as others.

SIR G. CLERK: But how were the masters of foreign ships to be examined?

MR. LABOUCHERE: By some person approved of by the Trinity-house.

SIR G. CLERK could not suppose that the American Government would assent to that for one moment. They would not submit to have their captains examined by a set of commissioners appointed by us, they knowing that their captains were as competent to navigate our seas as our own. This was a most important measure, and he had no doubt the greatest opposition would be offered to it by all persons connected with the pilotage at Liverpool, the Cinque Ports, and everywhere else. He should, therefore, by all the means at his command, try to prevent this Bill from being prematurely discussed; he should oppose its second reading until it had been printed, circulated throughout the kingdom, and every opportunity afforded to all persons interested in it fully to consider it. He trusted, therefore, the right hon. Gentleman would be satisfied by simply laying the Bill on the table for this Session.

MR. MILNER GIBSON observed, that a pilot question never could be brought before Parliament without its always being thought necessary to introduce a clause to this effect, "Provided always, that nothing contained in this Bill shall affect the rights and privileges of the Cinque Ports." There was always some reservation of that sort conveyed in the intimation that they might do what they liked without interfering with the Cinque Ports. Now, it so happened that the Cinque Ports were the great grievances; they formed the subject of all the complaints; and if they were left out of the Bill, it would be like the play of *Hamlet* with the part of Hamlet omitted "by particular desire." The speech which they had just heard was not the speech of the right hon. Baronet the late President of the Board of Trade, but the speech of the right hon. Member for Dover; for, certainly, he did not collect from his right hon. Friend's observations that he intended to grapple with the Cinque Ports in a manner that would become him as a Minister of the Crown. From the speech of the right hon. Member for Dover, it appeared otherwise. This was not a question affecting the rights of a large body of individuals; and although there might have been a time when the necessities of the country required that large and exclusive privileges should be conferred on the Cinque Ports, that time had long since passed away, and instead of those privileges being a public convenience, they were a public nuisance; and he, therefore, called upon the right hon. Baronet the President of the Board of Trade to deal with these Cinque Ports with a bold hand. He did not believe that the distinguished person who was at the head of them, would throw any obstacle in the way of improvement, if proper representations were made to him. With regard to the pilot system itself, this was the way in which it worked—when ships did not want a pilot he was forced upon them, and when they did want a pilot they could not get one; and for this simple reason, that the system secured to the pilot a certainty of employment and of income in fine weather, which induced him not to take trouble and go to sea in bad weather. If the system secured him an income in fine weather, it was not likely that he would run the risk and danger and incur the wear and tear of encountering the sea in rough weather; and the consequence was, that very often at the South Foreland vessels which were compelled to submit to the charge of a pilot in fine weather, ran the risk of being lost through the neglect of the pilot to go to sea in rough weather. With regard to the corporation of the Trinity-house, he was one of those who had never joined in a tilt against them, because the evils of the light-dues had been occasioned by the acts of the Crown and of the Legislature.

MR. CARDWELL said, if he understood the statement of the right hon. Gentleman the President of the Board of Trade, he had brought three questions before them, upon which he proposed to take the opinion of the House. The first of these was to give an important relief to the mercantile marine; and as that measure was not to be disposed of in the present Session, he should say nothing against it then. With regard to the second question—that of pilotage—the right hon. Gentleman proposed to bring in a Bill which he was anxious to pass in the present Session of Parliament. It was merely of a permissive nature, to enable those parties who had the control of the pilotage to make certain remissions in regard to taking pilots where it would be expedient; and at the first view, it certainly did appear a reasonable proposal, which he was not then prepared to object to. At the same time, however, he thought the right hon. Gentleman the Member for Manchester would feel, with him, that it was but reasonable that those parties whom it would affect should have time to consider its provisions; and he should, therefore, defer any observations upon the subject till the second reading, when he would have had an opportunity of communicating with the parties interested in the Bill. With regard to the third and by far the most important subject, the right hon. Gentleman had proposed a course which must be eminently satisfactory to the House. He proposed to lay before them in detail a comprehensive scheme with regard to the mercantile marine; and having done so, he proposed to give the country a full opportunity of considering the measure before any opinion of the House should be asked for. He would, therefore, be no party to raising any objection to this Bill at the present moment, nor did he think any of those obstacles suggested by the right hon. Gentleman would be thrown in his way. He promised the right hon. Gentleman to give his most deliberate attention to the proposition; and in the communication which it would be his duty to hold with those parties whose interests were most affected by it, he would endeavour to arrive at that solution of the question which it was the right hon. Gentleman's desire to attain—namely, the best means of raising the condition of the masters and seamen of the mercantile marine, and of promoting the social advantage and welfare of that class of the community. He had before him a statement of the existing law on the subject, which, did time permit, he should be glad to detail to the House; but, at all events, this he must be allowed to say, that the existing law gave a much larger control over the sailors of the mercantile marine than would be supposed by those who had listened to the statement of the right hon. Gentleman.

Mr. LABOUCHERE said, it now being three o'clock, he trusted the Committee would at once agree to the resolution, and postpone its consideration till the second reading of the Bill. Some doubt had been raised as to whether the Trinity-house had the power to carry out the arrangement in reference to the light-dues; but he had consulted with parties competent to give the best opinion on the subject, and they entertained not the least doubt upon the matter. Indeed, in the case of Scotland, some years ago, a remission was actually made in the same manner that he now proposed, namely, in conjunction with the Privy Council. He trusted that the Committee would now agree to the resolution, and he would fix the second reading for some day next week.

Captain HARRIS gave the right hon. Gentleman great credit for the measure he had brought before the House, which no doubt had been dictated by a desire to benefit the mercantile marine; but there was one point which he had heard with extreme regret, and that was that it was intended to do away with the registry certificate.

Mr. HENLEY said, he thought it most unjust that the right hon. Gentleman should have made such wholesale charges against a whole class of men, as he had done, and than get up, saying it was three o'clock, and cut the discussion short, without giving any opportunity whatever of answering those charges.

Resolutions reported.

Bill upon the first Resolution, and Bill upon the last Resolution, ordered to be brought in by Mr. Bernal, Mr. Labouchere, and Sir Francis Baring.

Bill read 1°.

THE CHOLERA—STATE OF LONDON.

Mr. BERNAL wished to put a question to the right hon. Home Secretary relative to the sanitary state of London. Information had reached him (Mr. Bernal) that day that the disease termed "cholera" was certainly spreading its ravages in different parts of London. He was surprised that hon. Members could submit to the state of discomfort, increasing every day, caused by the nuisances round and about the house in which they were assembled from noon often until two o'clock the next morning. The smells, he was told, arising from the churchyard in the immediate neighbourhood and from the vaults of St. Margaret's Church, were found by persons in attendance on Committees to be so pungent and deleterious, that they were obliged to close the windows; and at the table where he often had to sit for some hours, he found odours arising of such a nature that he could not tell by what they were engendered, but this he could say, that such a state of things must infallibly act upon the health of Gentlemen who were discharging very onerous duties under such circumstances. But he would take the opportunity of inviting the attention of the right hon. Gentleman to the general condition of London. The sewers now were a perfect disgrace. With all the alterations of the commissioners of sewers, they were so bad in his neighbourhood, not a mile from the House, that at night he was obliged to close his chamber windows to prevent deleterious influences acting upon the inmates of his residence. Again, he had heard complaints from the neighbourhood of Ludgate Hill; he understood that persons there were dying, and it was not known to what the mortality was attributable, but it was believed that the drains were not attended to and scoured out; and many considered that, after all the talk and the efforts of the gentlemen who had applied themselves to the subject of the sanitary condition of this vast metropolis, we were worse off than three or four years ago. Whether the blame lay with the commissioners of sewers, or the city authorities, or whom, he could not say, but the whole of London was in a state respecting which he would say that he was ashamed to think that a civilised people, in the year 1849, would submit to be in such a condition, surrounded with pestilence and disease.

Sir G. GREY quite agreed that this was a very important subject. He did not understand his hon. Friend to put a question to him, but to call his attention to this matter; and he could only say that, whenever a representation had been made to him of a nuisance of any kind existing in any neighbourhood, he had felt it his duty to call the attention of the Board of Health and the police to it. He had received no specific representation with regard to nuisances in that immediate neighbourhood; but certainly the statement of his hon. Friend, who had to attend in the House for so many hours, demanded inquiry. With regard to London generally, every power conferred upon the Board of Health or the police was, he believed, put in exercise with a view to prevent, as far as possible, the spread of disease. The prevalence of it probably arose partly from the state of the weather, and the drought.

Mr. GOULBURN, when in office, had to move a grant for the repair of St. Margaret's Church, and received a previous assurance from the authorities that they were then in treaty for a burial ground in the country in lieu of that which was close to the House. He was mainly induced to move the grant upon the faith of that arrangement; he wished to know whether it was being fulfilled?

Sir G. GREY would make inquiry.

Lord ASHLEY, representing the Board of Health in that House, begged to state that they were utterly powerless in these matters. The Board of Health had no jurisdiction within the metropolis, except in cases where the cholera should have broken out, and then they could give certain directions, and have certain cleansings made; but those were surface cleansings. Privies were to be emptied, streets washed, and a system of house-visitation established, so long as cholera prevailed; but, with respect to the institution of effective measures for the removal of permanent sources of disease, the Board had no power. The hon. Gentleman the Member for Rochester had said that the state of the metropolis was much worse than before. He (Lord Ashley) could hardly concur in that. It was very bad, very unsuited to health and safety, but there had been a very great deal of cleansing, and he was happy to say there was a determination to go further in the adoption of such measures. The cholera was now spreading rapidly; and unless something were done it was impossible to say what would be the consequence.

Viscount EBRINGTON begged to say that various nuisances had been removed by the operations of the commissioners of sewers, but in places the least likely to come under the notice of Members of that House, the endeavours of the commissioners having been first to cleanse the most miserable parts of the metropolis. Vast accumulations of deposits had been flushed away from the drains; and the drains under that House were clean and clear; but the pestilential exhalations of St. Margaret's churchyard, from the decomposing bodies there, it was not in the power of the commissioners of sewers to keep off. With reference to the imputations cast upon the body of which he was a member, he wished to observe that the state of the plans and maps bequeathed to them by their predecessors was such, that it was utterly impossible to take with confidence any steps founded upon them; and therefore a survey was ordered, which had only just been completed. Before that, nothing could be done without danger of wasting the money of the ratepayers in useless works.

Mr. HENLEY, in reminding the House that they had been informed that the Board of Health had no power to abate a great and admitted evil, begged to ask the noble Lord at the head of the Government whether it was not in spite of earnest remonstrances in that House, that he, or those who represented the Government, exempted the metropolis from the Health of Towns Bill, which contained powers to deal with the great nuisance of pestilential churchyards?

LORD J. RUSSELL answered, that it was thought by the noble Earl the First Commissioner of Woods and Forests, after inquiry, that it would be necessary to have a separate Bill for the metropolis; and it was on that ground that his noble Friend did not include the metropolis in that Bill. This year his noble Friend had considered that until the commissioners of sewers, appointed last year, had proceeded further with regard to the requisite alterations in the system of sewers, it would not be advisable to introduce a Bill.

Subject dropped.

VAN DIEMEN'S LAND.

The Order of the Day having been read for going into Committee of Supply,

MR. ANSTEY rose to renew his Motion for an Address to Her Majesty on the subject of certain illegal ordinances or Acts of Council for the taxation of the people of Van Diemen's Land, and the attempts of Lieutenant Governor Sir William Denison to intimidate the Judges of the Supreme Court of that island. The hon. and learned Gentleman recapitulated what he had formerly stated to the House with respect to the conduct of the Governor—that Sir W. Denison was charged with having, by means of private solicitation, endeavoured to induce one of the Judges of the Supreme Court (the Chief Justice) to withdraw from his post, on leave of absence for eighteen months, in order that he might be enabled to appoint a successor who would give judgment on particular cases in favour of the Crown—that the Chief Justice having refused this degrading proposal, measures were taken to remove him, solely because, in the exercise of his judicial functions, he had declared an illegal Act of Council to be a violation of a British Act of Parliament—that this attempt was only prevented by the receipt of information from England, that the Governor had the power to call together another packed Council, who would bring in a Bill to change the existing law—that the Council was accordingly summoned, and by them a Bill was passed, rendering legal all those measures respecting local taxation which the courts of law had previously declared to be illegal. With this short statement he would leave the matter in the hands of the House.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "That an humble Address be presented to Her Majesty, on the subject of certain illegal Ordinances or Acts of Council for the Taxation of the people of Van Diemen's Land, the attempts of Lieutenant Governor Sir William Denison to intimidate the Judges of the Supreme Court of that Island into declaring such Ordinances or Acts to be legal, and the Grievances complained of by the Colonists of that Island in their Petition presented last year to Her Majesty, and printed by order of this House; and that Her Majesty may be pleased to direct the local authorities in future to respect the independence of the Judicial Functions of that Court, and also to signify Her disallowance of any Ordinance or Act subsequently passed by the said Lieutenant Governor in Council, for giving to such illegal Ordinances or Acts the force of Law."

MR. HAWES said, he understood the charge against the Governor to be, that he had been instrumental in passing certain Acts of the Legislative Council illegally, those Acts being intended to appropriate particular taxes, not to local objects, but to imperial purposes; and, generally, that he was guilty of interfering with the due administration of justice in the colony. The question on which these accusations turned, arose entirely out of the construction of what was called Huskisson's Act, namely, the 9th of George IV., chap. 83. The question was, whether the proceedings which had taken place came under Mr. Huskisson's Act, which declared that the Acts of the Council should be registered in the Supreme Court within a limited time; but the Council might set aside this sanction in certain cases, and the Acts would be equally valid without it. In 1845, an Act was passed by the Council in Van Diemen's Land, by which a tax was imposed upon dogs, with the view of preventing their increase. This Act, however, was not registered in the Supreme Court; but within a certain period it was declared by the Governor to have become law. Some excitement was got up in the colony on the subject, and an appeal was made to the court, which decided that the proceeding was repugnant to the spirit of Mr. Huskisson's Act. The law officers of the Crown in Van Diemen's Land differed altogether with the Judges on the point, and stated that the time for taking objections to the law had gone by. As it was, nearly the whole revenue of the colony was perilled by this decision of the Judges, as most of the taxes had been imposed in the same way. Sir William Denison was thus placed in a situation of great difficulty. Many parties had informations lodged against them, and it was altogether found extremely difficult to carry on the government. In this state of matters, Sir W. Denison no doubt did propose to the Chief Justice that he should obtain leave of absence. That leave of absence, however, the Chief Justice refused to accept. Now, he was ready to admit that an error of judgment had been committed in this respect; but with the exception of that error of judgment, he must say that he saw nothing in the conduct of Sir W. Denison throughout these transactions that could derogate in any way from his character as an able and upright Governor. With that single exception, he had no fault to find with Sir W. Denison. The noble Lord the Secretary for the Colonies had expressed his disapprobation of the error which had been committed. An explanation had since been made by the Governor to the Chief Justice, which was received as due reparation for the slight unintentionally cast upon him; and he believed that the best understanding now existed between the Governor and the Chief Justice. As to the question that had arisen respecting the bearing of the local Acts upon the existing law, he would only say that it was a point upon which lawyers differed, and that the Governor and the Legislative Council were guided in the opinions they formed by the law officers of the Crown. As to the case so far as regarded the Governor, he thought sufficient had been done by the expression of the Secretary of State's opinion, and that no necessity existed for proceeding further.

MR. HUME wished to know whether the Government had any objection to lay on the table of the House the despatch which the noble Lord the Secretary of State for the Colonies had written to Sir W. Denison, in which he reproved him for the illegal manner in which he had attempted to intimidate the Judges in the performance of their public duties. Until the Government consented to produce that despatch, he thought the House ought not to allow this Motion to be withdrawn. Representations had been made to him by the inhabitants of the colony, strongly condemning the conduct of the Governor in this matter. What security had they for the protection of their property in England if justice were not purely administered? But of how much greater importance was it that in the colonies, which were so far removed from the means possessed by people living in England of obtaining redress, the administration of justice should be pure and free! Before redress could be obtained in the colonies, evils of the greatest magnitude might be committed, and it was therefore a matter of the highest importance that every care should be taken, not only that the judicial office was filled by able, independent, and upright men, but that not the slightest hindrance should be permitted to the free execution of their decrees. If conduct such as had been brought home to Sir W. Denison were permitted to take place amongst an independent population, the results might be of the most alarming and unsatisfactory character. He knew that the people of Australia had been much exasperated by the conduct of the Governor, and he was therefore anxious that everything which could explain his conduct should be laid on the table of the House. He should also like to know the grounds on which the Chief Justice ventured to take the step which he did in reference to the ordinances in question. The House would no doubt be anxious to know whether the Attorney and Solicitor General's opinions had been allowed with the Governor to overrule the decision of the Chief Justice. It would no doubt astonish people in this country if the judgment of Lord Denman, for instance, were to be set aside by the opinion of a Solicitor or Attorney General. If such a course were allowed to be taken—if Attorney and Solicitor Generals were allowed to usurp the judicial office, and to become the judges of the law—all practical justice would be at an end. He trusted sincerely that Her Majesty's Government would consent to the production of every paper tending to justify the conduct of all parties concerned.

MR. GLADSTONE wished to induce the House not to call for the papers in this case, for such a proceeding would not be in conformity with the spirit in which hon. Gentlemen proceeded in a case of this kind. The calling for the papers alluded to by the hon. Member for Montrose, would add much to the censure conveyed in them. If the object of such a proceeding was the vindication of the character of Chief Justice Pedder, it might be a valid reason for doing so, although it would press hard upon the Governor; but he understood there was an end to all disputes between the Governor and the Judge. He believed the Motion before the House did not go for the production of papers, but was only a suggestion of the hon. Member for Montrose. He had had some experience of the colonial system, and he could state, the relations between the governor and the judges and other authorities in a colony, were not the same as existed between the Government and similar parties in this country. Custom did not in the colonies give the same independence to the judges which they possessed here; and it was very often the duty of a governor to interfere with the judges, and even, under certain circumstances, to suspend or dismiss a judge, for which proceeding, of course, he was responsible. The question then was, as the Governor had not erred fundamentally, but had erred in the manner in which he had taken cognisance of the conduct of the Judges—whether, after the error had been corrected, and the conduct of the Governor disapproved of by the Secretary of State, it was expedient to go further into the case. There were two questions mixed up in this case. The first was as to the practice of colonial governors in general; the second was as to the character and conduct of the present Governor of Van Diemen's Land. He conceived the governors of colonies should have all the support which they could reasonably look for from the Home Government, for they were placed at a great distance, and they had often to discharge the most difficult duties; and they had not the same support of public opinion in the colonies as the Government had in this country. Under the circumstances of the colonial system, it was impossible to expect that errors of judgment would not occasionally occur. He thought also they should refer to the general character of Sir W. Denison. He (Mr. Gladstone) was responsible for the appointment of Sir W. Denison to the Vice-Governorship of Van Diemen's Land. That officer's appointment was confirmed by Earl Grey. This was not an appointment at haphazard or hastily, but after a full consideration of the affairs of the colony. He frankly avowed that his object was not only to send to Van Diemen's Land a governor of capacity, but the very best man who could be procured. At that time there existed a conflict between the Legislature and the Governor of the colony, as well as with the court of justice; and the state of the system of transportation was such as to excite a feeling of horror in this country as well as in the colony. There was no instance of a governor being sent to a colony with a more difficult task to perform than that which was given to Sir W. Denison. He did not say that the Governor was right in this specific case; but he would appeal to Gentlemen in that House whether an individual case of error of judgment should be framed into a general condemnation of his conduct? Sir W. Denison was known in this country as one of the most able officers of that distinguished branch of the public service, the engineers. The affairs of the colony had prospered under his hands, and he had done everything in the power of man to put an end to the frightful state of the convict system which existed there when he arrived in the colony. Under these circumstances he had obtained a claim to public gratitude, and he trusted the House would not consent to go beyond the line which the Secretary of State thought should be adopted for the vindication of the conduct of the Chief Justice. The Governor had relied and proceeded on the opinion of the law officers of the Crown in the colony, where far greater authority was attached to their opinions than was the case at home. The relations also between the governments of the colonies and the judges was essentially different from those which existed between the Government and the Judges at home, for the independence of the judges did not exist in the colonies. The question before the House was, whether, after the letter of the Secretary for the Colonies to the Governor, and considering that no practical evil remained in the case to be removed, it was necessary to add the censure of the House to the disapproval which had been already expressed by the Government; and he should support the Ministers in their endeavour to persuade the House against the necessity for such a step.

Mr. PAGE WOOD said, that some of the observations just made by the right hon. Gentleman appeared to him of such serious import, both as regarded the honour and integrity of the profession to which he (Mr. Page Wood) had the honour to belong, and as regarded the position of our Government in the colonies, that he could not remain silent, knowing what he did of this case as a counsel therein. If the allegation made by a right hon. Gentleman who had once filled the high office of Secretary for the Colonies, that the interference of a colonial governor with the functions of a judge in the colony, was an act deserving only of mild censure, and of censure not to be made public in the colony, were to pass unquestioned; then the position of a judge in a colony was one of very doubtful character for any gentleman of honour to undertake. If this question were not held as one deserving of the greatest possible attention, and if the most complete reparation were not made in every respect, not only to Mr. Chief Justice Pedder, but to all who had been injuriously affected in the transaction, he should look hereafter with suspicion upon all who accepted the position of a colonial judge. The colonial judges were appointed under patent revocable by the Crown, but not by the colonial governors; and, except under a special Act of Parliament, they were not to be removed. He admitted the difficulty in which the Governor had been placed; but he was a military man, and on an average military Governors and Judges did not get on amicably together in the colonies for more than three years. The hon. and learned Gentleman here briefly recapitulated the circumstances of the case, as related by the hon. and learned Mover, and commented upon the conduct of the Governor, which he said was calculated to shake the confidence of the colony in its institutions. He would rather see the Governor in possession of all authority at once, and responsible for all, than that this sort of interference should be exercised. If the colony was in that infant state that the law could not be administered in the usual course, so as both to secure the authority of the Governor and the due dispensation of justice to the people, then it would be better that the Governor should unite the judicial functions with his office, and that the military man should be governor, judge, and everything. With respect to the production and printing of these papers, he had no desire to do anything vindictive or harsh towards the Governor. Even as counsel, he (Mr. Wood) had not the slightest feeling on the subject towards him. But he felt strongly as regarded the character of the bench and the due administration of justice in the colony, that it was not sufficient there should be a private expression by the Government of disapprobation of the conduct of the Governor in this case, but that there ought to be something more marked and decided, such as printing these papers, so as to have a public acknowledgment of the reparation that had been made.

CAPTAIN HARRIS defended the conduct of Sir W. Denison, and expressed his regret at the animus which had been evinced against an officer standing high in his profession. He entreated the House not to form their judgment upon Sir W. Denison upon the speeches which they had heard.

MR. ROEBUCK observed, that in all the proceedings on the part of the Judges of Van Diemen's Land up to the time that they declared the ordinances to be illegal, everything had been done in the most regular manner. All was conducted in perfect accordance with the forms of the constitution. Who then was the first to depart from that course of regularity? The Governor himself, who in substance found fault with the Judges for their decision. What business had he so to do? It was beyond his duty and his power to interfere with a judicial determination. It was said that the Governor was a military officer, as nine out of ten of our governors were. He agreed that the tone of mind acquired by men of the military profession was not the best suited to civil affairs, and that it in some degree disqualified them for discharging the duties of constitutional government. What was it, then, that Sir W. Denison did? He removed one of the Judges, and sent to another a letter submitting to him that it would be a wise thing for him to request eighteen months' leave of absence. What was the meaning of that? Was there any portion of Chief Justice Pedder's conduct to be found fault with except his decision in regard to the dog-tax? It was known that that learned Judge determined that the ordinance imposing that tax was illegal. Was it for this that he was recommended to absent himself for eighteen months from the discharge of his duty? Was it not an insult to the Judges, and an act calculated to degrade the judicial bench in the estimation of the inhabitants of the colony? There was no class in the community whose character and conduct were of so much importance to the general weal as those of the Judges by whom the law of the land was administered. What would be said of that Government which should write a letter to Lord Chief Justice Denman—he having adjudicated in a matter which interested both the Government and the House of Commons, and having come to a decision contrary to a previous determination of the House — what, he asked, would be said of a Government who should write a letter to that noble Lord, and suggest to him that it would be for the benefit of his health if he would take an excursion into the country for eighteen months? What, if such a letter had been written after the Stockdale case? But, said the right hon. Gentleman the Member for the University of Oxford, the judges in the colonies were not like the Judges in England, they were a very different class of people. Let him, however, remind that right hon. Gentleman that those colonial judges were called upon to administer the law which concerned the property and the lives of the inhabitants of the country in which they lived, and that they were there placed by the imperial power of England so to administer that law. Did the right hon. Gentleman mean, therefore, to say that there was something about the character of a colonial judge which denuded him of those attributes that were a safeguard to the official dignity and purity of character which belonged to a judge in this country? If it were so, then he would say shame to the right hon. Gentleman, who, having been a Colonial Secretary, and seeing an evil so seriously affecting the character of the judges of the colonies, had failed to bring in a law to remedy that defect. If one thing more than another could be calculated to bind the colonies to this country, it should be the fact that the Government of the mother country watched vigilantly over the character of those to whom was intrusted the administration of the law, and took care that justice was rendered pure and undefiled—never troubled by petty passions, or prejudiced by any littleness of professional hate. The right hon. Gentleman had made an appeal to the House as a species of argument *ad misericordiam*, by referring to the former services of the Governor of Van Diemen's Land. But that had nothing to do with the question. The House should confine itself to the single act before it, and not refer to the previous conduct of the Governor. They were not giving evidence of character after a verdict had been found, but they were asking whether upon this particular issue the party was guilty or not. From all the lights which were afforded to him, he believed that Sir W. Denison had been guilty of an offence of a most grievous nature; and, whether from pique or from passion he knew not, neither did he care, that he had most unwarrantably interfered with the pure administration of justice in one of our most important colonies. It became the noble Lord at the head of the Administration to watch with care over these derelictions; and if he failed in that his most sacred trust, he would deserve that condemnation which he was sure the feelings of the country would visit upon the man who, holding responsible power, was careless of those great interests of the State which were wrapped up with the well government of the colonial possessions of the empire.

Mr. EVELYN DENISON: Sir, it is with the greatest deference that I venture to say anything upon a question having reference to one who is closely connected with myself. I hope, however, I shall prove to the House that I am capable of overcoming any prepossessions I may be supposed to be influenced by when I at once join with hon. Gentlemen in expressing my deep regret for the act that was done with regard to Chief Justice Pedder. I shall not enter into the merits of this question on either side; it would not be becoming of me to do so; but I shall confine myself to one single point. The main question I believe is this—shall a certain despatch from the Secretary of State for the Colonial Department, animadverting upon the conduct of the Government of Van Diemen's Land, be produced before this House? Now, whatever may be the view taken of this subject by my hon. Friend the Under Secretary for the Colonies, I have that opinion of the sincerity and frankness of character of my relative to believe that it would not be his desire that any expression of opinion with regard to his conduct should be suppressed, or that what he had done should not undergo the fullest investigation by this House. I, for one, cannot join my hon. Friend in desiring that that despatch should be kept from the notice of the House. As far as I am concerned, I should desire that the despatch should be produced, and the fullest information given. I repeat that it would not be becoming in me to refer to the grounds upon which the selection of that officer was made, nor to say anything with respect to the value of his public services. They are before this House; and I hope not only that the House will exercise an impartial judgment upon them, but that the closest attention will be directed to the future conduct of that Gentleman; and I do not doubt that his disposition to discharge his duty will conduct him through the very important, laborious, and responsible situation in which he is placed in a manner honourable to himself.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 24; Noes 72: Majority 48

Main Question put and agreed to.

Mr. HUME then asked if there was any objection on the part of the noble Lord to lay on the table a copy of Earl Grey's despatch wherein he censured and disapproved of Sir W. Denison's conduct?

Lord J. RUSSELL said, that inasmuch as society in Van Diemen's Land was in a very disorganised state, and as he had stated expressly that Earl Grey had disapproved of and censured Sir W. Denison's conduct towards Mr. Justice Pedder, he did not think, considering the difficulties which the Governor of that colony had already to contend with, that any good would result from making public a document which might have the effect of lowering the Governor in the eyes of the colonists, and subjecting him to their criticism and censure. The better course, therefore, was not to lay the despatch on the table.

Mr. ROEBUCK with reference to the remark of the noble Lord that the population of Van Diemen's Land were at present in a disorderly and disorganised state, begged to say that if under any circumstances a governor should be above all suspicion or imputation, it was where a population was in such circumstances as the noble Lord had described. There was an old saying—*Omne ignotum pro magnifico;* and he believed that, so long as this despatch remained unknown, it would be assumed to be of a far more sweeping and condemnatory character than it really was. The consequence would be that the Governor would never be able to put the law in force against any person, however bad or mischievous, and however deserving of blame and punishment. Indeed, he was bold enough to say, that if this despatch were not published, the Governor could not with safety remain in the colony.

Subject dropped.

SUPPLY—ORDNANCE ESTIMATES.

The House then went into Committee of Supply on the Ordnance Estimates: Mr. Bernal in the chair.

Mr. HUME appealed to the noble Lord the First Minister of the Crown to allow the Ordnance Estimates to stand over until Monday, to afford time to hon. Members to read the report of the Committee on that subject, which had not yet been issued to Members, although he was assured that it would be ready by Saturday.

Lord J. RUSSELL begged to remind the House that they had met that day—the 12th of July, and at a very late period of the Session—for the purpose of considering the Ordnance Estimates proposed to be voted for the year from the 5th of April last to the 5th of April next. He had certainly been in hopes that some time ago the Committee which had sat on the Ordnance and Army Estimates would have been able to make some report. However, the evidence and the consideration of that evidence had taken till the present time. The question put by his hon. Friend was whether, that being the case, he would not agree to put off the Ordnance Estimates till Monday next. Now, he must say it appeared to him that if there was to be a postponement at all, that would not be a fair time to postpone it to, because there ought to be sufficient time to enable the Board of Ordnance and the Government to consider the report, and to mature their judgment upon the various points connected with it. Now, that might require till the end of the present month or sometime in August, perhaps towards September. He certainly thought that were the hon. Member for Montrose and the other Members of the Committee, who had had several months to consider the points involved in the report, to avail themselves of their knowledge to press objections upon the Government, without the Government having had time to consider the report, and without their being able, therefore, to enter upon its discussion—that would be an unfair mode of discussing the report. It seemed to him, therefore, that they should either proceed to the consideration of the Ordnance Estimates for the present year then—of course listening to any objections that might be stated to them by hon. Members, but deferring the consideration of the views propounded by the Committee with regard to the preparation of the estimates for next year—or else postpone the consideration of the estimates for not less than a fortnight from that time. He submitted, that to postpone the consideration of the estimates till August, when there would necessarily be a thin House, would be a very unsatisfactory mode of proceeding; and that the better mode would be to proceed now with the estimates, and leave the report of the Committee to be carefully considered during the recess, and discussed in detail next Session.

Motion made, and Question proposed—

"That a sum, not exceeding 361,800*l.*, be granted to Her Majesty, to complete the sum necessary to defray the expense of the Pay, Allowances, and Contingencies of Ordnance Military Corps, which will come in course of payment during the year ending the 31st day of March, 1850."

Mr. HERRIES said, he was quite sensible that this was the 12th of July, and that the Session was far advanced; but the House was in this position — in the early part of the Session the estimates had been referred to a Select Committee, in order that they might guide the House to a correct decision thereupon. That Committee had fully considered the subject, but their report was not yet in the hands of Members; and it was in those circumstances that they were invited to come to a decision upon the Ordnance Estimates without the knowledge of the important advice which was given to the House by the Committee. He would gladly avoid delay in the consideration of the estimates; but, undoubtedly, the House would be placed under great disadvantage in coming to a decision upon them unless time was afforded to Members to become acquainted with the advice of the Committee. [Lord J. Russell: Why not the Government ?] The noble Lord has mentioned two parties — the Committee and the Government. But he had apparently forgotten a third party — namely, the House, which wanted the information which the Government possessed already. He felt the disadvantages of delay, but, at the same time, admitted the validity of the objections of the hon. Member for Montrose. In fact, the whole position of the affair exhibited strongly the evil of referring the estimates to Committees. Exactly the same thing happened last year, and, after all, the estimates were voted without their having the report before them. He would not, however, divide in favour of the postponement.

Mr. COBDEN concurred with his hon. Friend the Member for Montrose in requesting that the noble Lord would not press the estimates that evening. The noble Lord surely could not have understood the case put by his hon. Friend, or he would not have answered as he had done. On Tuesday afternoon the Committee completed their report. It would be printed and in the hands of the House on Saturday; but between Tuesday and Saturday—that interval of three days in which it was impossible for the House to read that report, or to learn what the Committee had been doing for the last five months—was just the interval seized on by the noble Lord for bringing on these estimates. The noble Lord had assumed that his hon. Friend wished the estimates postponed till August; but he wished no such thing—all he asked was, that they should be postponed till Monday next, when the report, as amended, might be in the hands of Members: at present the amended report had not even been seen by the Members of the Committee. Under these circumstances he did not think that the House should consent to the proposal of the noble Lord to proceed with the estimates that evening.

Lord J. RUSSELL said, the hon. Gentleman who last spoke had entirely misrepresented what he (Lord J. Russell) had stated. In the first place, he must correct the hon. Member, when he said he (Lord J. Russell) had taken the House by surprise in the interval between the report being announced as ready, and its delivery to hon. Members. The course he really took was to inform the noble Chairman of the Committee that there was a period when the Government would have to go on with the estimates—that the Session was becoming late—and that he (Lord J. Russell) could not delay the estimates later than the 12th of July; at the same time asking the noble Chairman if the House would be in possession of the report before that period. The noble Chairman told him that, in his opinion, it would be laid before the House considerably before that day; and, having heard that opinion, he (Lord J. Russell) fixed the Ordnance Estimates for July 12, not on the supposition that the House would have to vote them in ignorance of the report, but, on the contrary, that they would be in possession of it. The right hon. Gentleman the Member for Stamford observed very fairly that it was not the Government nor the Committee that had to decide this question, but the House. At the same time, the right hon. Gentleman would not differ from him when he stated that the Government must be responsible for the proposition they made to the House, and that it would not do for them to say, "Here is a certain sum, but whether it is a proper amount, or whether it should be diminished or increased, we are unable to say." It was for that very reason he said the report would probably be delayed till August, because there must be time not only for the Government to consider the report, but the evidence on which it was founded, so that when any hon. Member objected to any vote, as excessive or otherwise, the Government should be able to say on what grounds it could be defended, and be prepared to stand by their own vote. It therefore was not enough for the Members of the Committee to be in possession of the report. The Government should have it likewise. It seemed to him a great inconvenience to postpone the vote to so late a period. He quite agreed with the right hon. Gentleman that it was an embarrassing position to be placed in; but the right hon. Gentleman knew well that if it were deferred so long, there were other steps consequent upon the vote, such as the Committee of Ways and Means, and the passing of the Appropriation Act, which would take up considerable time and necessarily protract the Session. Considering the great importance of obtaining votes such as would keep the service in a state of efficiency, and of not making any hasty retrenchments, he thought it better for the House not to make any alterations without due consideration, and not to postpone the votes any longer. He begged to remind them again, that the Government, which brought them forward, was alone responsible for the estimates.

SIR J. GRAHAM quite agreed with the opinion expressed by the right hon. Member for Stamford, that it was not for the Committee or the Government, but for that House, to decide upon the estimates. He was very sorry his noble Friend the Chairman of the Committee was not present. Every Member of the Committee would bear testimony to his noble Friend's exertions; and he believed that those exertions had been so great as to render it necessary for him to leave England for a milder climate. As to the report, it had been presented—it was, in fact, then on the table of the House, and would be in the hands of Members by Saturday. On Friday last he had himself proposed that an intimation should be made to the House, that it would not be expedient to postpone the estimates until the report was laid before it. As the hon. Member for Montrose was not then present, nothing was done; but at that time there was not an immediate prospect of the report being concluded. On Monday last considerable progress was made with the report. He, however, now frankly said, that, considering the details of the various services on which advice had been tendered, and that the Government could not have sufficient time to consider those details, it would be fairer to go on with the estimates as they had been prepared up to April last, without losing time now in discussing details which neither the House nor the Government had an opportunity of considering. He thought that at the commencement of next Session, the Government, having in the recess weighed the recommendations contained in the report, and instituted the inquiries in distant colonies which were recommended by the Committee, should, upon their responsibility, lay the Ordnance Estimates upon the table in the amended form which they might think would pass. If they proceeded on Monday next to debate those estimates with reference to a report which would not be in the hands of Members until Saturday, and which could not be fully weighed without fully considering the evidence, which was very voluminous, he very much doubted that their debates here would be of much assistance in regard to the estimates of last year. If they proceeded with the debate on the estimates now, of course the Members of the Committee would be perfectly at liberty to avail themselves of all the information which they might have acquired during the deliberation of the Session. The Members of the Government would be present to answer any objections that might be urged. The House would have the opportunity of hearing the objections and weighing the answers; and he did not think that, in order to the fair discussion of the entire question, it would be necessary to await the presentation of the report on Saturday, for the purpose of discussing the details on the Monday; and that it would be quite impossible to read the evidence and the report in the interval; and without reading them, a fair judgment could not be arrived at. He was most anxious that Her Majesty's Government should give its attention to the recommendation in the report. He was of opinion that considerable savings of the public money might be effected, if those recommendations were received in the spirit in which he thought Government ought to receive them. He was quite sure, also, that those savings could be effected only by the Executive Government. To do this efficiently, time and consideration were absolutely necessary;

and he was certain that it was only upon the responsibility of Government that savings to that extent could be safely and permanently made. On the whole, therefore, he was of opinion that there was no advantage in not proceeding at once.

MR. HUME contended, unless it were intended that the report of the Committee was to be a perfect farce, that they should not now proceed with the estimates. He had been detained in the House by the Scotch Bills, and he himself, though a Member of the Committee, actually did not know one of the conclusions to which they had come. The right hon. Baronet the Member for Ripon thought it better for them to discuss these estimates in ignorance than in knowledge. He (Mr. Hume) did not at all agree with that view of the case. There were forty-one orders of the day upon the Paper; there was, therefore, plenty of business for the House to proceed with, and he once more called upon them to postpone the estimates until Monday. He wanted to show the immense sums of money that were wasted in the Ordnance Department, but that he could not do without the report. If he possibly could, he should prevent their proceeding with the estimates at this time, and he begged to move, therefore, that the Committee report progress, and obtain leave to sit again.

MR. FOX MAULE said, that last Friday the impression in the Committee was, that the report would not be ready by the Tuesday, and under that impression he proposed to the Committee that they should inform the House of the position in which the business stood before them, in order that it might judge whether it was expedient any longer to suspend the consideration of the estimates. On the Monday, however, business made greater progress, and in consequence, the report would be ready by Saturday. He begged to remind hon. Members that the Navy Estimates were considered in Committee of Supply, in the same manner as it was proposed to consider the Ordnance Estimates; and there could be no better guarantee to the House with regard to the manner in which the Government were disposed to attend to the recommendations of the Committee, than the manner in which they dealt with the report on the Navy Estimates, and gave effect to it during the period that Parliament was adjourned. He believed the same course would be taken now as to the Ordnance Estimates. It was, therefore, neither just to the House, which had no time to consider the evidence on which the report was founded, nor fair to the Government, who were as ignorant as any Members of the House could be of the proceedings of the Committee, longer to postpone the consideration of these estimates; for he confessed that, as a Member of the Government sitting upon the Committee, he had not thought it to be his duty to report to the Cabinet from day to day what was going on in the Committee, in order that they might keep pace with the proceedings therein.

The CHANCELLOR OF THE EXCHEQUER was of opinion that the question really was whether by a postponement the House could be put in possession of the report and evidence, so as to become fully informed on the subject. But, to obtain due advantage from the labours of the Committee, sufficient time must be afforded to consider not only their recommendations, but the grounds on which these were based. Was it not the more advisable course to take the estimates on the responsibility of the Government, these estimates having been laid before the House, giving the Government an opportunity to avail themselves of the labours of the Committee by considering the report and evidence during the vacation, so that next Session they might be able to state what course they on their responsibility would be prepared to adopt? He agreed with his noble Friend, that reductions to be effectual must be made by the Executive Government after due deliberation. Before Monday, or any early day, they could not consider and digest the evidence, but they would have it in their power, early next Session, to state what were the reductions which, after due deliberation, they thought the circumstances of the country would enable them to adopt.

MR. HERRIES said, that one question of considerable importance, which had not been touched upon by the noble Lord or the right hon. Gentleman was this, were they to abandon all hope of effecting any reduction in the present year? If they were to be told by Government that notwithstanding the knowledge they possessed of what had been passing in the Committee, they were yet unprepared to adopt any of their suggestions, so as to effect in the current year any reduction of the estimates, then the House would know what conclusions to come to. But he understand that they were not prepared even now to say that they could not effect some reductions in consequence of the recommendations of the Committee. If that were so, and if it were the fact that the recommendations in the report were so clearly and distinctly stated that Government and the House might be able to avail themselves of those excellent suggestions, then he said the case did become rather strong in favour of hon. Members having before them the report at least, in order to be enabled to form a judgment whether they could or could not carry some of those useful suggestions into effect in the course of the present Session. If they could save some money to the public before the Session of 1850, it would be achieving something which would prove a highly satisfactory part of their duty. If, on the other hand, he was told that there was no chance of deriving any benefit from the labours of the Committee in the present year, then he should be disposed to ask himself why the Committee was appointed in the shape in which it had been appointed. In that case they might have taken the estimates early in the Session, and appointed a Committee with reference to future estimates. But the House had been waiting up to this time under the impression that even in the current year they might derive some advantage from the labours of the Committee. So that, taking the case as it was put by the Government, it seemed to be necessary that they should see the report.

LORD J. RUSSELL said, the right hon. Gentleman had inquired whether they were to abandon all hope of effecting any reductions within the present year? His answer to that was, Certainly not. When the report of the Committee should be seen and considered, it might turn out upon investigation that there were some reductions and changes which might be made in a very short time; but he certainly was astonished that the right hon. Gentleman, with all his knowledge of the mode of carrying on the public business, should expect that on Monday next, there being perhaps a proposal for a reduction of 100,000*l.* in the service, the Government should at once say that it was prepared to make that reduction without any further consideration. Suppose, for example, a reduction were proposed in stores, he should certainly like to write to Sir T. Hastings before giving any answer to such a proposition. There was another course open to them, and that was to adopt the proposals of the Committee as absolute law. ["No, no!"] Well, if not, he could not see what advantage was to be gained by postponing the estimates from Saturday to Monday. How could the Government in that time make up their minds to any reductions that might be proposed? for, at the present moment, he must observe, that he had no knowledge of one single reduction that the Committee proposed. He was sure if the right hon. Gentleman were himself in the Government, he would scorn such a course, and would say that it was utterly impossible to adopt it.

SIR W. MOLESWORTH said, the noble Lord had observed that there was not one single reduction proposed by the Committee of which he was aware. He could inform the noble Lord of some reductions proposed for military works in the colonies. The Committee had unanimously agreed that certain military works in Bermuda, the Mauritius, and the Ionian Islands, should be suspended until the Government should have full time to consider the propriety of continuing those works. If the House read that report they would see that reduction recommended upon such evidence—Earl Grey's and others—that they would insist on the Government postponing these estimates.

SIR J. GRAHAM thought the right hon. Member for Stamford would agree with him that when once the House had sanctioned the amount of force, the expenditure had so far been determined. With respect to the Ordnance force, the House had already voted the number of men. The other branches of expenditure in that department immediately under control of the Executive Government with reference to economy were only two, stores and new works, which had each two subdivisions, according as they related to stores and new works at home, or stores and new works in the colonies. With respect to stores, it was hardly possible for the Government to come at once to a decision as to what for a peace establishment should be the permanent amount of stores to be maintained; and six months were not too much time to allow the Government to make up their minds on the subject. He had heard the evidence, and he should be sorry if any hasty decision were adopted. It was absolutely necessary that time should be given and taken. So also with respect to that most important and expensive branch, fortifications and works abroad, similar inquiry must be made; and the

Committee pointed out different cases in which they thought such inquiry necessary, though it might occupy considerable time. The hon. Member for Southwark had referred to three cases in which the suspension of certain works was recommended till inquiry had been instituted. Nothing could be more reasonable than that the suspension of a vote of 30,000*l.* on which the Clerk of the Ordnance and a Colleague agreed with the Committee, should be anticipated. To that extent he (Sir J. Graham) should be perfectly willing to go; as he should on other points as they proceeded. But when the number of men had been voted for the year, the inquiry with respect to stores would lead to difficulties; and so with respect to fortifications and works, especially in the colonies, he did not think the report itself would be a safe guide. The value of that report depended on the evidence which it had occupied five months to take, which embraced 10,000 questions, and which involved considerations of extreme intricacy. The Ordnance Estimates were the most difficult to understand of those submitted to Parliament; and they, as well as the Government, would be misled if they came to an immediate decision. They must recollect that, in this matter, they were dealing with the defences of their own country, and of the colonies. He had made up his own mind; but it remained for the Government to consider what objections they had to the propositions of the Committee; and he was perfectly prepared, at the commencement of next Session, to weigh those objections. For the sake of the public service he entreated the House not rashly or prematurely to come to a decision even on those suggestions of the report which recommended an increase in certain cases.

Mr. COBDEN said, the right hon. Baronet had warned the House not to be rash or hasty in making reductions; and for that reason they advocated the postponement of the estimates till Monday. That would surely be less rash than voting them then. Let the House avail itself of the result of the Committee's inquiry; let hon. Members have the report in their hands, and they would be in a better position to vote the money than when in perfect ignorance of it. It was said the report would not be sufficient without the evidence. He believed very few Members would ever read the evidence; probably not a large number would ever open the book. The report was a digest of the evidence; for the noble Lord the Chairman of the Committee possessed a remarkable talent for giving a lucid summary of a vast mass of evidence. But if it were bad to go to the vote without reading the evidence, it must be still worse to do so without either the report or the evidence. The noble Lord at the head of the Government had placed the House in such a position that it would be impossible for them now to vote on these estimates. He said there were questions involved in the report on which they would be called on to decide; and the hon. Baronet the Member for Southwark said the report recommended the suspension of certain works in foreign stations. The right hon. Baronet the Member for Ripon said he was ready to vote for the suspension of those works; but the right hon. Gentleman was a Member of the Committee—he had for the last five months given these matters the most laborious attention, and had, therefore, great advantage over other hon. Members. If hon. Members would wait till Saturday, and would read the report, they would not only see the recommendations referred to, but the grounds on which they were made. They would see an extract from Earl Grey's evidence on the subject. If hon. Members proceeded now to vote this money, they would proclaim trumpet-tongued to the country that which the country strongly suspected, that their voting of money was nothing but a farce, and that the House of Commons, instead of being the guardian of the public purse, was nothing but a screen for the Government.

Colonel ANSON agreed that the report was most ably drawn up; but as it contained references to the questions, hon. Members ought to be able to refer to the evidence also. He was extremely anxious there should be no further delay in passing these estimates, on account of the inconvenience which would thereby be caused, not only to the Ordnance Department, but to the public service generally. He hoped the hon. Member for Montrose would not persist in his Motion. Any objection that he might make to the votes, he (Col. Anson) was prepared to answer. As to the works at Mauritius, and other places, it would be extremely rash for the Government at once to say they would scratch these items out of the estimates. All they could do was to make the strictest inquiry, and to promote the views of the Committee, if, on due inquiry, they found it desirable to do so.

Mr. COBDEN, in explanation, stated that the report had been finished on Tuesday, sooner than was expected; and he had rather the House had voted these estimates without the report at all, than that the Committee should have been hurried in their report, and it should then not be brought before the House. To avoid any detriment to the public service, if any such could arise by postponing these estimates till Monday, or if money was wanted for paying the men, let the Government take a vote on account.

Mr. SPOONER should support the hon. Member for Montrose, if he pressed his Motion to a division. After this Committee had sat two years, the estimates ought certainly not to be voted, in ignorance of their report. It seemed to him most astonishing that the noble Lord at the head of the Government should be in utter ignorance of the recommendations of the Committee. Even in the absence of the evidence, the report would be some guide in discussing the estimates; and it would be monstrous, after waiting till Thursday, not to wait two days longer.

Colonel RAWDON advocated the proceeding at once to the consideration of the estimates, when hon. Members might take the sense of the Committee on any item to which they objected.

Mr. HILDYARD said, if the Committee had been one in hostility to the Government, weight would have attached to the arguments of the noble Lord; but the Committee having been appointed by the Government, being in fact their own, it ought not to be assumed that their recommendations needed watching with so much suspicion. The Government having professed themselves ignorant of the Committee's recommendations, and being responsible for the estimates, they ought certainly to be made acquainted with this report of their own Committee before the estimates were discussed. It was not to be supposed that the House would be entirely led by the report of the Committee; hon. Members would doubtless exercise their own judgment. If the Committee had not suggested any great reductions, there was no harm in seeing the report; if it had, how should they stand with the country in thus slurring over the Committee's recommendations?

Lord J. RUSSELL said, the essence of the proposal of the hon. Member for Montrose was, that the report being issued on Saturday, the estimates should be discussed, and great reductions made on Monday. Last year the Committee had reported on the Navy Estimates; and this year there had been a reduction of 700,000*l.* or 800,000*l.* on those estimates. Such reductions ought always to be proposed after due consideration, not upon forty-eight hours' notice—with a view to the real interests of the country, and not for the sake of a good speech on the hustings.

Mr. HUME said, he had never made use of the expression "large reductions to be made immediately." He had only stated, that a great increase had taken place in this department beyond what the resources of the country would justify. In his demand he considered he was reasonable in every point, and that Her Majesty's Government were unreasonable in every point.

Mr. VERNON SMITH said, he must vote against reporting progress. The question was, whether they would enter into those estimates now or on Monday, after the report was printed? They would only vote now, as they would do if the Committee had not sat at all. The report of the Committee referred to recommendations which they suggested should be taken into consideration during the recess, and it was absolutely impossible that they could be carried into practice now. There were only two votes which the Committee recommended to be suspended. With regard to these two, he hoped the Government would attend to the suggestions of the Committee. But with regard to the others, he thought that they might proceed with them now.

Whereupon Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 43; Noes 80: Majority 37.

Mr. B. SMITH did not think the noble Lord at all justified in urging on the vote, when there was other business which might be proceeded with, and when the report of the Committee was not yet in the hands of Members. He hoped the noble Lord would accede to so reasonable a request as the postponement of the vote. If the noble Lord persisted in going on with it, he should move that the Chairman quit the chair.

Lord J. RUSSELL had postponed this estimate from time to time, in the hope that the report would be presented to the House; but when the middle of July had nearly arrived, he felt it would be impossible for him longer to wait for the report before taking this estimate, and he had accordingly proposed last week to fix Supply for this day. There were, no doubt, thirty-seven orders on the Paper; but, as he had stated last Friday that he would take the Ordnance Estimates to-night, it would not be fair towards those Members who wished to discuss other measures on the Paper, to proceed with them before Supply. He hoped, therefore, the House would go on with the Ordnance Estimates, because, if they delayed doing so to-night, it would prolong the Session for a fortnight beyond the time anticipated for prorogation.

Mr. HUME said, there were other estimates which might be taken that night, and, therefore, no time need be lost. He should leave it to the country to judge who was right and who was wrong. What reason was there for pressing forward those estimates before the information contained in the report of the Committee with respect to them was in the possession of hon. Members? A vote had been taken of 100,000*l.* for barracks; but that was only a third of the charge. He wished to place before the public the enormous expense of barracks, incurred for no other reason than because the Government acted on unconstitutional principles. It was full time that those estimates should be fully inquired into, and he should, therefore, vote in favour of postponing them till the report was in the hands of Members.

Mr. HASTIE wished the hon. Member for Montrose to state whether there was in the report any objection to the vote before the House? If there was, he should vote for postponement.

Mr. HUME was glad his hon. Friend had asked the question. He appealed to the right hon. Baronet the Member for Ripon whether he had not in the Committee objected to the great increase in the artillery, and whether the right hon. Baronet had not stated that it was for the House, and not for the Committee, to decide as to the number of men? In 1828 the number of men voted for the artillery was only 8,200; now it was between 14,000 and 15,000.

Mr. AGLIONBY thought there was something unreasonable in the noble Lord pressing this vote against so respectable a minority as forty-three, many of whom were the usual supporters of Government. He would suggest the adjournment of the debate till Monday. It was true, the noble Lord had given notice that he would take these estimates to-night; but it was before he knew that the report would be so soon laid on the table.

Captain HARRIS was one of those who voted in the minority; but he was anxious not to offer any vexatious opposition to Her Majesty's Government. He had opposed the appointment of those Committees from the first; but he was now most ready to admit that they had been of great service. That upon the Navy had been conducted with the utmost fairness; and that being the case, their reports were valuable. He was decidedly in favour of postponing the discussion until the report was printed.

The CHANCELLOR of the EXCHEQUER admitted that at an earlier period of the Session this would be a fair and reasonable request; but it was the opinion of the Government that without the evidence the House would not be able to form a fair opinion upon the report, the Members of the Committee having been divided. The mere possession of the report would not really and truly give the House any information which would aid it in forming a proper judgment. If a postponement until Monday took place, it would lengthen the Session by a week.

Mr. HUME said, that that argument only went to prove that they ought to have the evidence as well as the report before they voted this money. The right hon. Gentleman talked of the Session being prolonged, as if hon. Members were not there to do the business of the country, and to do it properly. If they consented to take the report without the evidence, the Government ought to be the last to find fault with so short a postponement for that purpose. The Government was treating the House as if it were nothing, and saying, in effect, that the five months' labour of the Committee in collecting information was thrown away. Why, deducting the Members of the Government, who could not vote as they pleased, and one or two Members of the late Government, he had a majority in favour of postponement.

Mr. SPOONER said, he would not vote for postponement a second time, feeling that he was bound by the decision to which the House had already come.

Whereupon Motion made, and Question

put, "That the Chairman do now report progress, and ask leave to sit again."

The Committee divided:—Ayes 21; Noes 90: Majority 69.

List of the Ayes.

Alcock, T.
Baillie, H. J.
Cobden, R.
Conyngham, Lord A.
Duncan, G.
Fox, W. J.
Gibson, rt. hon. T. M.
Harris, R.
Henry, A.
Kershaw, J.
Lushington, C.
Molesworth, Sir W.
Mowatt, F.
O'Connell, J.
Osborne, R.
Pearson, C.
Pilkington, J.
Salwey, Col.
Thompson, Col.
Walmsley, Sir J.
Williams, J.

TELLERS.
Smith, J. B.
Hume, J.

Mr. HUME moved that the Chairman do now leave the chair. When he saw that every town in the kingdom was calling for economy and reduction, and when he found that the Government would not allow time for further inquiry, he thought he was fully warranted in offering every obstruction to their proceedings.

Lord J. RUSSELL said, that the division which had just taken place showed clearly that it was the opinion of the House that they ought to go on with the estimates; and that the great majority of the House was against the vexatious opposition of the hon. Member for Montrose.

Mr. BAILLIE said, that the noble Lord had no right to complain of the House dividing. He should be glad to know why they were to pass these estimates in such a hurry? Why were these estimates not brought forward before? Because they were waiting for the report of the Committee. They only asked for a few days to have the report in their hands, and the noble Lord accused them of vexatious obstruction. He was not one of those who thought that this report, when it was laid upon the table of the House, could make any great alteration this year; but he did not think they ought to be called upon to come to a decision upon the estimates until some information, which was upon the table of the House, should be in their possession.

Mr. COBDEN had observed the exultation of some hon. Members when the hon. Member said that the report did not recommend an alteration in the estimates this year. If there was one thing which was more established than another, it was this, that no estimate had ever been altered in the lifetime of any person present after it had been presented to the House. These estimates, when once printed, were always adopted; he never remembered a majority of this House varying an estimate. There had not been a vote since he had been in the House to disturb the items of an estimate. ["Hear, hear!"] He said advisedly that there had never been, during the eight years that he had been in the House, a vote to alter the estimates. With what hope did independent Members discuss them? With the hope that they might bring public opinion to bear upon them. How could they be discussed if there were not facts and figures on which to form a conclusion? To go to this discussion without this report, and to deprive hon. Members of the opportunity of benefiting from the five months' labours of the Committee, was a most monstrous piece of injustice, and most ridiculous management. He would not discuss the estimate; he would rather walk out of the House. If they had not facts or figures, and if they had not the report of the Committee, how could they go into a discussion of the estimates? If it were done purposely to defeat the time and labour of the House, it could not be done more systematically. He had not heard one statement why they should not go into a consideration of the report. He asked the noble Lord to give his reasons. All that the noble Lord had said in the shape of argument was, that they would lose a week, if they did not go into the estimates to-night. He apprehended that to lose a week was to save the money of the country. He did not know what the Government were talking of. If any Members ought to give a week more to the Session, the Members who sat on that (the Treasury) bench should do so. He agreed that in a constitutional Government you must be governed by a majority; but there were forms of proceeding by which a minority in a deliberative assembly might be trampled on by brute force and in defiance of reason. If an attempt was made to trample upon him, by the force of a majority, on a question of gaining 24 hours to give time to discuss a question of importance to the country—he said that if ever there was an occasion on which he was justified in using the forms of the House to get delay—and it was only delay that was wanted—that was that occasion. If the hon. Gentleman the Member for Montrose persevered from this time to midnight, and renewed his Motion to-morrow, that the printer might have time to prepare his report, he would go on with his opposition.

Lord J. RUSSELL: The hon. Gentleman said that they were endeavouring to overcome opposition without reason, and by mere brute force. He thought they had given sufficient reasons. There were two important Members of the Committee who gave their reasons—the right hon. Member for Ripon, and the right hon. Member for Northampton — who both stated at some length their reasons, they being Members of the Committee, and having attended carefully to the Committee, being anxious for reduction and economy, that they ought to go into these estimates to-night, and not postpone them till Monday. The only Member who opposed this who had attended much to the Committee was the hon. Member for Yorkshire. The hon. Member for Montrose did not attend.

Mr. HUME said, that he attended always until the last three days. The noble Lord was much in error in taking credit for the speeches of his two right hon. Friends. Their reasons were for delay, although their vote was against him. The reasons of the right hon. Gentlemen were such that any hon. Member would have expected that the noble Lord would have come to a different conclusion.

Mr. MILNER GIBSON said, that he understood that all were agreed that these votes on the Ordnance Estimates, which were reported against unanimously by the Committee, should be postponed till the report of the Committee was before the House; but the noble Lord said, that if one single vote were postponed until after the report was printed—namely, till Monday next—they could not finish their supply on Friday, and another week was gone. There was no loss of time in postponing all the estimates beyond what would be lost in postponing one. Were they prepared to agree to a vote to-night, against which a Committee had unanimously reported? The right hon. Member for Ripon said, if he understood him correctly, that with regard to these particular votes, he thought there was ground for postponement, but they might go on with the rest. It appeared to him that the House had been proceeding upon something like a misunderstanding, because he was quite sure that the course which the majority of Members were willing to take was to postpone the votes which were reported against by the Committee. If it was not, there was no meaning in the question put by the hon. Member for Paisley. If the Government succeeded, the world would say that it was their generalship that got them through the estimates. It was the interest of all parties to have a useful consideration of the estimates; and he therefore hoped it would not be deemed a factious opposition. The first division showed that there was a large majority of independent Members, nearly all who were present, who were for postponement. He must remind the hon. Member for Surrey, when he said that it was the duty of a minority to submit to a majority, that he must consider how that majority was composed, and ought, therefore, to count all the Members of the Government only for one. If he took that view of the question, he would find that the majority of independent Members of the House were for the postponement of these votes. He did not like to embark in an opposition that was factious, or one which, by being abandoned, showed that it was ill-considered when it was commenced; if he embarked in an opposition he was prepared to persevere in it, because he would not have taken the first step without it was founded in reason and justice.

Two other divisions were then taken upon Question being put, "That the Chairman do now report progress, and ask leave to sit again:"—Ayes 20; Noes 113: Majority 93;—and Ayes 18; Noes 118: Majority 100.

Mr. HUME protested against the course pursued by the Government. There were other estimates, such as the militia, on which no information was expected from the report, and with which the Committee might proceed, if the saving of time was an object. If Government had determined on the course they were now taking, why had they delayed their estimates so long? If they had brought them forward in ordinary course, the House might have discussed them item by item; but they had been delayed for this report, and now it was ready, the House was not to see it. If the Government had not intended to take the House by surprise, they would never have acted in such a manner. Last year they made large reductions without any report, and took credit for so doing, and their altered conduct on the present occasion proved that the economical course was to be followed no longer. He held in his hand a statement of the expenses of 1825, 1835, and 1848, and it afforded such a frightful picture of increase as fully to justify the House in refusing to pass the present estimates without the most ample discussion. He should be glad to see Gentlemen on that (the Ministerial) side transferred to the other. When there before they had supported him for six weeks against the Army Estimates, and none more strenuously than the noble Lord the present Secretary for Foreign Affairs. Why, in the worst of the boroughmongering times such a proceeding as the present could not have taken place. There were no estimates more requiring investigation than the Ordnance Votes — three millions of money to be taken from the public without inquiry! Again he protested against the course of the Government. All he asked was, that they might take the unopposed votes, and postpone the others until Monday. The House was not aware of the necessity there was for inquiry respecting the Ordnance. The Board acted merely as a blind to deceive the public. People might suppose that they consulted together; but the fact was, that each Member was uncontrolled in his own department, and expended the public money without any interference from his coadjutors. To expose this and other abuses, the time of hon. Members had been consumed; and the Committee, instead of touching the Army, had confined their inquiries to the Ordnance Estimates, and had ferretted out the whole system. They had prepared a report; but now, when the subject-matter of their inquiries came before the House, the report was not to be produced. It was not fair to the Committee, to him, or the House, to press on these estimates with such unseemly haste, and with such a determination to prevent any discussion likely to result in economy. The Ordnance Estimates rose from 1,035,000*l.* in 1835, to 3,078,000*l.* in 1849. Was not that a subject to be inquired into? He appealed to the noble Lord once more to give the House and the public time to examine these estimates and the report of the Committee, which, if time were given, they would, after this discussion, examine more closely than they had any other report. It was not he who was acting a factious part, it was the noble Lord, who persisted in refusing an opportunity of fairly examining these estimates. He felt bound to move that the Chairman now report progress.

Mr. BROTHERTON did not think that the hon. Member for Montrose was taking the best mode of accomplishing the object he had in view. He had much rather that they had been allowed time to consider the report before being asked to come to a decision on the estimates; but he did not think that this constant distrust of the Government ought to be shown, especially as it was admitted that they had readily consented to the appointment of the Committee of Inquiry. He was disposed to give the Government credit for a desire to make retrenchments. If they voted the money, it did not follow that they were obliged to spend it. He had always voted for retrenchment; but he believed, in the present case, no good would result from delaying the Committee of Supply.

Sir R. PRICE deprecated these fruitless divisions, and suggested that the hon. Gentleman the Member for Montrose, if he felt so strongly on the matter, should leave the House, and so protest against a course which he found he could not prevent.

Mr. BRIGHT confessed that the speeches of those hon. Members who had spoken in favour of the Government were not sufficient to induce him to vote against the Motion of the hon. Member for Montrose. The hon. Member for Salford was a firm ally of the Government, and sometimes he appeared in danger of forgetting the large number of persons he represented down in Lancashire. Personal partialities influenced many hon. Members at times, and those partialities at present seemed to have their effect upon the hon. Member for Salford. The case before the House was a very simple one. The Ordnance Estimates had been postponed for five months, and now the Government were refusing the delay of a day or two in order that the report might be printed and circulated. Now, he would ask the noble Lord at the head of the Government to recollect that within the last fortnight he had granted two days for the discussion of the hon. Member for Buckinghamshire's Motion on the state of the nation, and that there had been some evenings during the Session entirely lost. He believed that there had been less obstruction offered to Her Majesty's Government in the present Session than since the Government had assumed the reins of office. Take the debates. There had been a debate on the Motion of the hon. Member for the West Riding for going back to the expenditure of 1835. It was not discussed for more than a night, because the free-traders were desirous of not throwing any obstacle in the way of the Administration. Then, there was the Motion of the hon. Member for

Montrose, for the reform of Parliament, which was also discussed only for a single night. The Irish Church question had also occupied only one night, and he, though anxious to address the House upon that subject, had forborne from offering any observations, simply in order to save time. He was fully justified, therefore, in asserting broadly that the Government had not, during the present Session, received obstructions from any section of the House. He feared hon. Members were too much in the habit of forgetting, when the estimates were before them, what an important item the voting of money was, and that they were sent there for the express purpose of seeing that the public funds were not voted away, without proper consideration, and that no more money was voted than was absolutely required. Now, they had had a most laborious Committee sitting for several months, presided over by a noble Lord, and they had made a report containing certain recommendations. What reason was there for allowing these recommendations to lie over for twelve months? The hon. Member for Salford seemed to think that if money was voted, it did not necessarily follow that it must therefore be spent. But he (Mr. Bright) was very much afraid that, if voted, it would be spent. He was also afraid that the noble Lord at the head of the Government would consider the present opposition as rather personal, particularly as he had already spoken of the opposition speeches as something in the nature of hustings' addresses. The noble Lord had some time since declared that those who knew a deal about the trade of the country were too narrow-minded to consider matters fairly which related to a great empire. If some hon. Members were too narrow-minded, it was a great pity they were in the House; but it did so happen that people in various parts of this country were of opinion that these narrow-minded persons should be in the House to defend the public interests, and to express the public opinions. But were men to be considered narrow-minded because on some occasions they considered their propositions quite as good as those of the noble Lord? He hoped the noble Lord would permit the report to be printed, and hereafter considered, assured that not a single objection would be made to the estimates which was not absolutely necessary, and which could not be defended on the strongest ground.

Mr. HEYWOOD said, he had been for some time one of the constituents of the hon. Member for Salford, and that the general opinion in Salford was that he was an independent and consistent Member. He (Mr. Heywood) was in favour of retrenchment in the Ordnance Estimates, and he was sure the Government would attend to the recommendations of the Committee to reduce them.

Mr. COBDEN said, that they were beside the question in introducing personalities. The hon. Member for Manchester had spoken in a kindly spirit to the Government and the hon. Member for Salford; and now he (Mr. Cobden) desired to recall attention to this point. They were going to vote 2,600,000*l.* with a report lying on the table; and the noble Lord at the head of the Government had distinctly stated that notwithstanding the recommendations contained in that report, he intended to take a vote for the money at once. How could the House judge whether the noble Lord was right in withdrawing money from the fortifications at Corfu without having the report printed? The sum of 456,000*l.* had been voted for Corfu since the Peace. The report states that according to Earl Grey, the works should never have been undertaken until the question was reconsidered. [*Cheers.*] The right hon. Baronet the Member for Ripon cheered him; but did he suppose that the Government had, in the words of the report, "reconsidered the subject?" Or were they to believe that the Government was likely to stop this expenditure? He denied that there had been any recommendation to stop those fortifications; and independent Members of that House should not trust the report of the Committee, but should read and consider for themselves. The most important item was that of stores. They had a stock of upwards of 6,000,000*l.* of ordnance stores here and in our colonies. The Committee, on the last day of meeting, recommended unanimously that the number of depôts should be diminished, and that the expense of them should be saved by profiting by the present means of communication. Was it not right, therefore, that they should know the meaning of this report before they were forced to vote this money?

Colonel ANSON said, that as the hon. Member for the West Riding had referred to the Ionian Islands, he (Colonel Anson) must just point out to the House the very gross misrepresentation that he had made with respect to the money spent upon them, The total of the estimates for new works, Ordnance works, building and repairing barracks, &c., was undoubtedly 476,000*l.*; but the hon. Gentleman had concealed from the House that of that amount the Ionian Islands were to pay 332,316*l.*, so that the actual charge to this country would be about 148,684*l.* The hon. Member for Montrose had challenged various statements which he (Colonel Anson) had made; in reply he would merely say that that hon. Gentleman's assertions were as erroneous as that of the hon. Member for the West Riding. Instead of the estimates for the year 1835 being only 1,035,000*l.*, as the hon. Member for Montrose had stated, they were 1,497,000*l.*—and, instead of his (Colonel Anson's) asking this year for 3,000,000*l.* for the Ordnance Estimates, he only asked for 2,600,000*l.*

Mr. COBDEN asked whether what he said was not that 450,000*l.* had been voted by that House? [Colonel Anson: It was.] Then by what possible pretence did the hon. and gallant Member charge him with misrepresenting? The House of Commons voted that sum, and called on the Ionian Islands to pay their share. They even had it in evidence that there were arrears due by the Ionian Islands which would never be paid.

Captain BOLDERO wished to know whether on a question of fortification the authority of a civilian could be put in competition with that of the most intelligent engineers serving under the British Queen. Neither the past nor the present Government had exacted from the Ionians the full amount that had been expended in fortifications, &c., in that country; they owed this country not less than 125,000*l.* He wished to point out to the House a very great inconvenience with regard to these estimates, which might be very easily avoided. A colony, for instance, might require a vote of 7,000*l.*; but when the vote came to be submitted to the Home Government, it might be reduced 4,500*l.* Not a shilling of that money was allowed to be expended until the colony was informed that the vote had received the sanction of Parliament. If Parliament sanctioned the expenditure of the money in the month of April instead of July, as at present, the works could be proceeded with three months earlier, and other great advantages would accrue to the colonies and to the mother country. He hoped that the report would be presented to-morrow, or Saturday, and that the consideration of estimates might be allowed to stand over until Monday next.

Lord J. RUSSELL: Mr. Bernal, I cannot allow this debate to close after the imputations which have been cast upon me by the hon. Gentleman the Member for Manchester, without making a few observations. The hon. Gentleman is exceedingly dissatisfied, it appears, with the hon. Member for Salford, because he says he speaks in a kindly manner of everybody, and is disposed to place confidence in the Government when they make statements in the House. Having postponed the matter until this time, I thought it was quite impossible fairly to consider the report of the Committee at present, and I proposed that the Ordnance Estimates should be taken; upon which the hon. Member for Manchester said that I must have a dishonest motive in so doing; and that my intention is to prevent the House of Commons from having the report in their hands, and fairly considering the recommendations of the Committee. Why, certainly, if in making my suggestions as to the course to be pursued on this question, I was influenced by a dishonest motive, I should be fairly liable to the imputation of acting in total disregard of my duty. But I certainly had not taken a very skilful mode of carrying out any dishonest intentions on this subject, because it would have been much easier to have said in the month of May or June, we had better not wait any longer, and the House could scarcely have refused to listen to that argument. But because I have postponed till the month of July to ask for this report, the hon. Gentleman makes these imputations against me, which I totally deny. I deny that I have acted so corruptly. With respect to the dispute which has lasted all this night, the question simply turned on what the hon. Gentleman the Member for Montrose said as to the Committee deriving great advantage from having the report of the Select Committee before them; but we, on the other hand, contended that as that report could not be in the hands of Members till Saturday, the very short time intervening between the sitting of the House on Saturday and Monday—the report being voluminous—would not enable the House to gain sufficient information on the subject; and therefore it would be better not to discuss the various items, or to enter into any very large question of the reduction of the estimates till next year. Now I cannot say at present whether the hon.

Member for Montrose was right, or whether we were right on that subject; but it did seem to me that it was a question that might be discussed between us without any personalities—and I should have thought it might be discussed without having resort to those very frequent divisions of the House which have already taken place. I was likewise fortified in the course I took by the opinion of two right hon. Gentlemen, Members of the Committee, who were known to have taken particular interest in these questions of reduction, who were well aware of the claims of the public service, and of the demands of economy, but who thought that the course that the Government took was a proper one for the House to adopt. I, therefore, think that I was fully justified in the course that I proposed to take. The hon. Gentleman the Member for Manchester seems to have supposed that I have made a charge against Members of the House generally, or against those with whom he acts, of having opposed obstructions in the way of public business during the present Session. Now, I made no such charge, and no such imputation against the Members of this House, or against any party. On the contrary, I am glad to be able to acknowledge that I think throughout the Session the Members of this House have shown a disposition to transact fairly the business before them, and that when certain business has been fixed by the Government for certain days, they have generally proceeded to consider that business with a view to expedite it. Therefore, I made no such imputation as the hon. Gentleman supposes. With regard to the Motion that now stands for to-night, I think that we have been right in the course that we have proposed, and that it is impossible, at this hour of the night—having taken up, in debates and divisions, the whole of the evening—to suppose that we could proceed with any effect with the consideration of the Ordnance Estimates to-night. Nor do I think that we should be able to go through the Ordnance Estimates, and the other estimates, in the course of to-morrow evening; therefore, I propose that we shall now report progress, and that we take the British Museum Esmates, and other estimates, to-morrow; and I shall propose to take the Ordnance Estimates on Monday. And I trust that the Committee will fairly consider those estimates, and avoid all unnecessary delay. We shall then be ready, as we were to-night, to state our views with respect to them.

Mr. HUME disclaimed any factious opposition in the course he had pursued, and said he should regret if any thing personal had fallen from any hon. Member in the course of the debate.

House resumed.

Committee report progress.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 13, 1849.

MINUTES.] PUBLIC BILLS.—1^a Trustees Relief; Newgate Gaol (Dublin).

2^a Pupils Protection (Scotland); House of Lords Costs Taxation; Poor Relief (Ireland); Attorneys and Solicitors (Ireland).

Reported.—Sequestrators Remedies; General and Quarter Sessions Courts Procedure.

3^a Consolidated Fund.

Received the Royal Assent.—Passengers; Small Debts Act Amendment; Highways (Annual Returns); County Cess (Ireland); Loan Societies; Ecclesiastical Jurisdiction; Soap Duty Allowances; Assaults (Ireland); Silver Coinage; Sheriff of Westmoreland.

PETITIONS PRESENTED. By the Earl of Harrowby, from Liverpool, and other Places, against the Granting of any New Licenses to Beer Shops, and against any Alteration in the Law of Marriage; also from Cork, against certain Clauses in the Poor Relief (Ireland) Bill.

MARRIAGES AND REGISTRATION (SCOTLAND) BILLS.

The EARL of ABERDEEN said, he had observed from the Votes of the House of Commons yesterday, that Her Majesty's Government had abandoned the Scotch Marriages and Registration Bill, which were sent down from their Lordships' House some time ago. As he was one of those who took a very decided part in opposing those Bills, and ventured to protest on the Journals of the House against their passing, he could only feel satisfied with such a result; but his object in rising at present was, to state that, although he much deprecated the alteration that had been proposed in the law of marriage in Scotland, he was yet fully sensible, and had always admitted, that great evils arose from the difference of the law on this subject in the two countries. He considered what were called "border marriages" disgraceful to any country, and was especially anxious to see a remedy applied to prevent the evasion of the law of England by the natives of this country. Now, if his noble and learned Friend near him (Lord Brougham) thought fit to reintroduce a Bill on this subject next Session such as he had proposed some years ago, he (the Earl of Aberdeen) would have great satisfaction in supporting him as far as he could; or if some other noble Lord, more competent to deal with the subject, took it up, which might easily be the case, then, also, he (the Earl of Aberdeen) would be most happy to acquiesce. But if neither of these alternatives were adopted, he (the Earl of Aberdeen) would himself next Session lay before the House a measure having for its object to remedy the great evil that had long and most justly been complained of.

Lord BROUGHAM quite agreed with his noble Friend who had just spoken, that it would not be difficult to find a person more fit than himself (Lord Brougham) to bring in a Bill on this subject. But he would, certainly, most willingly support his noble Friend in bringing in his Bill, if he would undertake the responsibility of the task. His (Lord Brougham's) Bill of 1835 was highly approved of by his noble and learned Friend opposite (Lord Campbell), and was fully explained at the time; and he did not know, but hoped that his noble and learned Friend would undertake to bring in a Bill next Session himself. Be that, however, as it might, he (Lord Brougham) would pledge himself thus far, that if no one else would relieve him of the charge, he would himself give their Lordships another opportunity of doing their duty with regard to Scotch marriages.

Lord CAMPBELL deeply deplored the loss of these two Bills this Session. He had had twice the honour—once during a previous, and also during the present, Session of Parliament—of proposing a change in their legislation with respect to the Scotch marriages; but he hoped that the cause would prosper better under the auspices of his noble and learned Friend (Lord Brougham). He (Lord Campbell) had already used his best exertions to improve the marriage law of his native country; but now he would wash his hands of the subject, and give it over to his noble Friend.

Lord BROUGHAM begged his noble and learned Friend not to follow his example, and because he (Lord Brougham) had given over the question to his noble Friend near him (the Earl of Aberdeen), transfer the charge of bringing in a Bill to him (Lord Brougham).

The Earl of ABERDEEN said, the two noble and learned Lords were condoling with each other upon the untimely fate of this most detestable Bill; but he maintained that if the Bill had not been withdrawn by Her Majesty's Ministers, representative government would have been rendered a mere farce; for the whole Scottish nation were unanimously opposed to the measure. And what or who made the Government withdraw it? Did he? Certainly not; but the fact was, that out of the thirty-three or thirty-four Scotch Members of the other House, they almost all to a man voted against it, and they were, therefore, compelled to withdraw it.

The Earl of MINTO had looked at the petitions that had been presented against this Bill, and certainly found that they were not petitions against the measures that came before their Lordships: they were against anything rather than them—they were against the grossest misrepresentation of the Bills as they actually stood. He considered the present state of the marriage law a disgrace to any Christian country.

The Earl of HADDINGTON never thought there was a more general concurrence of public feeling than had existed against this Bill; and he would ask the noble Lord who spoke last whether the religious denominations of every description in Scotland were not adverse to the measure?

Lord BROUGHAM said, he should present the two Bills in one, and his Bill of 1835, next Session, for the purpose of effecting a complete reform in the Scotch low of marriage.

POOR RELIEF (IRELAND) BILL.

Order of the Day for the Second Reading read.

Lord REDESDALE said, that he understood that an arrangement had been come to, in consequence of the absence of several noble Lords, that if the Bill were allowed to be read a second time that night, the discussion on the principle of the Bill would be taken on going into Committee. He wished to know if that were so?

The Marquess of LANSDOWNE said, that one noble Lord—or, perhaps, one of the noble Lords to whom the noble Lord alluded on the other side of the House—had certainly stated to him that he had no objection to this Bill being read a second time that evening, upon the understanding that he should have the opportunity, on going into Committee, of making any observations upon it he thought proper; and, if the noble Lord had no objection, he should propose to go into Committee on Tuesday next.

Lord MONTEAGLE begged to make a few observations respecting the order of proceedings in their Lordships' House. Of late years, a practice has grown up of allowing important measures to be passed through a second reading, *pro formâ* as it is called. Now, by abandoning the ancient and better rule of taking an effective discussion on the second reading of a contested Bill, the House is sacrificing a great and important principle. The second reading should not be slurred over. A deliberate discussion at that stage is not more useful than it is convenient. It is most convenient that discussions should take place on second readings—should take place for the purpose of eliciting those opinions which will afterwards be produced in the shape of distinct propositions and amendments in the Committee on the Bill. On these grounds, a protest should be made against reading a second time a Bill like that now brought forward, as a matter of course. Besides which, the adoption of such a proceeding in respect to the poor-law, would be misinterpreted at the other side of the Channel; it would lay their Lordships open to a charge of indifference on a subject exciting the most intense anxiety. Nor was he reconciled to this arrangement from the reason by which it was explained or excused—the absence of certain noble Lords from the service of the House. It might suit their pleasure or their convenience to be absent, but that was no reason why a discussion on the second reading should be omitted.

The Marquess of LANSDOWNE thought it unnecessary to debate a matter on which there could not be a difference of opinion. There was not the slightest intention on the part of the Government to slur over this important stage of the Bill. He had protested against the postponement of the discussion as a matter of form, and had stated to the noble Lord in question that he should feel it incumbent on him on this occasion to state the provisions of a Bill of so much importance, and it would be open to any noble Lord to express his opinion upon it, upon which a debate might arise. The only understanding he had come to with the noble Lord to whom allusion had been made, was, that he should not be precluded by his absence on this occasion from stating his opinions with respect to the principle of the measure, on the question of going into Committee. Having said thus much, he would proceed to state, in as succinct a form as possible, the provisions of the Bill of which he was now about to move the second reading. It was a Bill to amend the Acts for the more effectual relief of the poor in Ireland. At the time when—in consequence of the alarming destitution prevailing in Ireland, caused by the prevalence of famine in that country, two or three years ago—it was found necessary to provide for the emergency, so unexpected and so great, and so far exceeding anything which had befallen any other country in Europe—at a time when it was found necessary to provide, or to endeavour to provide, something like an adequate remedy, so far as human foresight and prudence could provide for this state of things, so alarming and so revolting to humanity—at that time, in suggesting the remedy, the Government protested against being made responsible for its perfection as a remedy. None of those who had taken part in these discussions, and who had made various amendments, many of which had been adopted—none of those parties had been sanguine enough to believe that a measure which had been adopted hastily—hastily, because no time could be allowed for its preparation—and unexpectedly, because no one could foresee the extent of the calamity in a country in which there was more than the usual proportion of poor—none of those, he said, believed that a measure for such a purpose could be made, under such circumstances, perfect in all its details. It was in that view that the Bill which he then held in his hand had been submitted to the consideration of Parliament; and he thought he should be best consulting the convenience of their Lordships, and at the same time discharging his duty to them in proposing the second reading of the Bill, if, without entering into general considerations with respect to the measure, further than had already been done, or insisting upon the necessity of an enactment of this description, he at once proceeded to explain to their Lordships what were the main provisions more or less effecting amendment, and creating more or less of difference in the law as it at present stood. Those parts of the Bill to which he should first advert as being the most important, and then most likely to create some difference of opinion with some of their Lordships, were the two first clauses, enacting a maximum rate beyond which no electoral division or union could be called upon to contribute for the maintenance of the poor. The unforeseen extent and repetition of the famine in Ireland from year to year, and the positive augmentation of distress created by the operation of the present law, was such as he might say justly to cause very considerable alarm throughout that part of the united kingdom. Under the then circumstances of Ireland, whatever inducements persons might have for investing capital in Ireland, whether in the way of improvement, or of agricultural enterprise, or simply in the purchase of land, it was clear that an alarm must have been created in their minds, lest, hanging over the property which might become theirs, there might be an amount of charge indefinite in its nature, and which might possibly, although not probably, eventually absorb the greater part of their capital. It became, therefore, a great public object to endeavour to remove that alarm; and no other mode of creating the degree of confidence necessary to be generated, seemed to present itself, than that of enacting by law a maximum rate, beyond which no rates should be levied either on the electoral divisions or the unions in that part of the united kingdom. It was easy to come to that conclusion; but it was much more difficult to determine what the maximum should be, and to what limits the power should be exercised of stopping aid when it had arrived at certain bounds. It had appeared to Her Majesty's Government, and it had met with the pretty general concurrence of the other House of Parliament, that, assenting to the principle of a maximum, *5s.* in the pound on the rental in each electoral division, nearly presented the limit beyond which it was desirable that the rating should not be carried. But no one who viewed that as the limit, and who had looked at the accounts which from time to time had been presented as to the state of the unions and of the poor-rates in particular parts of Ireland—no one could fail to see that it would be impossible to provide for the poor in certain electoral divisions, without some assistance beyond that which the sum of *5s.* in the pound would afford. It was necessary to provide for the deficiency somewhere in Ireland, and it was supplied by a rate imposed on all the unions thus creating a common interest throughout the country in respect to the support of the poor. No one, again, who had looked attentively at the mode in which the administration of relief had been imperfectly carried on, and the difficulty of distinguishing between real poverty, and what was a fraudulent demand, but must feel it to be of the utmost importance that the greatest number of persons possible, that the ratepayers on the spot and in the neighbourhood, should have an opportunity of keeping down the amount of rate to be so levied. It had, therefore, been found necessary to assign a limit to the further rate, and that limit had been fixed at *2s.* in the pound, to be levied on the union in aid of the electoral divisions where the rate of *5s.* in the pound should either be actually levied, or where it should diligently have been attempted to be levied. But when he said that the limit had been found in *2s.*, he did not mean to state it as a matter of opinion that that sum was likely to be called for in all unions. He was not prepared to say that all these rates put together provided an adequate remedy for the misery and poverty prevailing in Ireland; but he indulged a hope that in most cases it would be found to be so. At all events, should circumstances be adverse, and should Ireland, under the dispensation of Providence, be visited with similar disasters to those which had afflicted her for several years past, the rate having been collected from one end of the country to the other, she would be placed in a position different to that which she before occupied, and she would come before the Imperial Parliament of this country with proofs in her hands of the exertions she had made—with proofs of the degree of pressure which those exertions had occasioned, and would present a claim for that consideration which he would not anticipate now, but which could not be forgotten hereafter. At all events, it would be a consolation to us to know that we had alleviated an existing calamity, and that we had put that part of the united kingdom in a position to show the rest of the kingdom and the world at large that she had not been wanting in the exertions she had been called upon to make. Having said this much with reference to the first two clauses, which were the only parts of the Bill as to which he anticipated any difference of opinion on principle, he would pass on to the clause providing for the alteration of claims founded on residence. It was proposed to alter the clause by making the claim on the electoral district in which the parties had been longest usually resident. There was another provision that the cost of relief of the destitute poor not resident in the union for the last three years next preceding, should be charged according to the provisions of a former Act, namely, "An Act for the Relief of the Destitute Poor in Ireland." The fourth clause provided for the division of accounts difficult to adjust between the unions and electoral divisions, on any alteration of the limits taking place; and it was a provision to which, as he believed it to be equitable and just, there would be no opposition. The fifth and sixth clauses were of considerable importance, and provided for the erection as soon as possible of additional workhouses, in unions proposed to be severed from existing unions, and to afford facilities which did not now exist for investigating the cases of the poor. The seventh clause provided for that which experience had shown to be extremely necessary to the working of this law, namely, an alteration and modification with respect to boards of guardians. The clause provided that the qualification of persons eligible to become guardians might be altered with the approbation of the commissioners, who might fix a different qualification and a different value in different electoral divisions. With respect to the difficulty of procuring eligible persons to serve in this capacity, the eighth clause provided that in certain cases non-resident proprietors in the adjacent parts of the country, not residing in the union, should be enabled to become guardians, in addition to the resident guardians chosen in the first instance, wherever a deficiency of guardians required such places to be filled. He anticipated no objection to a proposal for thus giving additional efficacy to the law in this respect. The ninth clause provided for the division of electoral divisions for the purpose of electing guardians. To the tenth clause he was aware there might be entertained some objection. It bore upon the liability of rent charges by way of annuity and jointure to deduction on account of poor-rates. These rent charges having been established at a time when a poor-law did not exist in Ireland, and was not even contemplated, it had been deemed just and equitable that they should be compelled to contribute to the rate, instead of leaving the whole burden to be borne by the property to which they were charged. The eleventh clause provided that every person receiving rent in respect of property used for charitable or public purposes, should be liable to be rated to the extent of one-half the poundage of every rate made for the electoral division in which the property may be situated. The twelfth clause provided that a tenant should not deduct from his rent more than one-half of the rates actually paid by him. Another provision, and a most important one, to which he should refer, was one that was framed with a view to encourage the improvement of estates, and the laying out of capital upon them, both by landlords who were already in possession of them, and by capitalists who might hereafter be induced to invest their money in the purchase of them. It was this—that for any improvement that might be effected upon land whereby its value should be enhanced, no additional poor-rate was to be levied for a certain number of years. Whatever improvement might be effected, and to whatever extent, no poor-rate beyond that upon the present value of the estate was to be levied for the next seven years. There was to be no additional poor-rate levied upon the improvements. That provision he considered a most important one for the encouragement of agricultural improvements. There remained little more to be stated regarding the Bill. There was one clause, the eighteenth, of some importance. It provided a more effectual remedy for levying the rates than at present existed. It was most important that the rate should be levied effectually, and this provision was for the purpose of enabling the rate to be recovered by a civil-bill process, by which it would become a judgment of court, affecting the land subject to the rate, but affecting that part only upon which it was due and unpaid. No person could have expressed greater surprise than he (the Marquess of Lansdowne) himself did, when he found by the evidence laid before the Committee, that it was possible at present to pursue the recovery of the poor-rate, not only over the entire estate, but even to the extent of confiscating the land. There remained only two more clauses to which he should refer, and they were not introduced originally by Her Majesty's Government, but upon the representation of independent Members. Those two clauses were for the purpose of enabling districts and unions to tax themselves for the purpose of assisting the emigration of the poor from their localities. It was a power afforded to the poor-law guardians, upon receiving the permission of the Poor Law Commissioners, to levy an additional rate upon their districts, upon the faith of which they could borrow money, either from persons who were willing to lend it, or from the Consolidated Fund Commissioners, with which they could enable persons from those districts to emigrate. He had now arrived at the close of his statement. He had mentioned the various objects and provisions of the Bill, and had briefly stated the reasons by which those provisions were supported. He was not prepared to say that it was a perfect measure which he had the honour of submitting to their Lordships. He was far from saying that no further improvement could be made. So long as the law was in operation, so long as the circumstances of the country were liable to change, it could not be asserted that no further alterations would be needed. It was not five years, not ten years' experience of its working, that would constitute a period sufficient to enlighten either that or the other House of Parliament, so as to enable them to produce a perfect measure. During a long period it would be the duty of both that and the other House to be open to the consideration of the law upon a subject of such deep importance. But it was sufficient for the purpose of the present Bill to say, that it would effect most important practical improvements in the management and the working of the law. Feeling the difficulties that attended that law, their Lordships would be bound to render it, by every means in their power—not easy, because easy it could not be made; not light, because, situated as the country was, it could not be made light; but free from as many difficulties as they could remove from it—free to such extent as human care, legislation, and foresight, could provide against. Trusting that by the care which their Lordships would give to the measure in Committee, it would be thus far perfected, he begged to move that the Bill be read a second time.

Lord MONTEAGLE: I think, my Lords, that you cannot feel any surprise from what I have already stated, that I consider the present question as infinitely too important to be permitted to pass without serious discussion. It is true that but few of your Lordships' House are now present; but, whatever your numbers may be, I feel that accident to be no reason for shrinking from the discussion. I feel it to be my duty to call your attention, and that of the public, to the present Bill; I feel it due likewise to the honour of Parliament, that a measure of such importance as the present should not be allowed to pass silently.

I could have wished that the enactments of the present Bill had permitted the President of the Council to have proceeded regularly, by directing the Clerk to read the paragraph of Her Majesty's Speech from the Throne relating to Ireland; to enter, as read, the report of your Select Committee on the Irish Poor Laws, and thus to have shown, by a regular chain of authority, evidence, and reasoning, that the Bill now presented fulfilled the gracious intentions of our Sovereign, was consistent with the judgment of the Select Committee named by your Lordships, was framed upon the evidence taken, and, above all, that it was a remedy adequate to meet the unexampled exigencies of the present crisis. Unfortunately, the character of the Bill precludes my noble Friend from pursuing this otherwise strictly Parliamentary course. I grieve to think, under any circumstances, that Select Committees of either House should be granted merely as legislative toys for the amusement of Members of Parliament, from which no practical good was to be derived. I have always thought that when subjects of such deep interest as the wants and sufferings of a nation are recommended from the Throne by Her Majesty's responsible advisers as deserving immediate consideration—when, in pursuance of such recommendation, Select Committees have been appointed, witnesses of high authority examined, and great labour, time, and expense devoted to the inquiry, some slight attempt at least should be made to realise, in subsequent legislative measures, the gracious intentions of the Crown, the suggestions of the witnesses, and the judgment authoritatively pronounced by the Committee. Unhappily, no such results are attained in the present instance.

I complain of the Bill, and I complain likewise of the speech of the President of the Council, not only for what it contains, but for that which it omits. I complain specially of the speech of my noble Friend (the Marquess of Lansdowne), because in relation to a Bill which is founded exclusively upon the pressing wants of the present time, he has altogether omitted any mention of the existing distress, or any estimate, however vague, of its extent and intensity; and because he has not even made an attempt to prove that the measure now under discussion is adequate to remove that existing distress, or even to mitigate its pressure. I allege, on the contrary, fearlessly, that this measure, even taken in conjunction with the other propositions brought forward during the previous months of the Session by Her Majesty's Government, is utterly inadequate to meet the present exigencies of Ireland. If your Lordships think that, by your past legislation, you have really solved the awful problem submitted to your judgment, you will be deceiving yourselves, and lulling yourselves to rest by most fallacious hopes. Those hopes will rather be in accordance with what you may benevolently desire, than with what you can reasonably believe. If Parliament is prorogued in the course of the next week or fortnight, let not Members return to their own happy and peaceful homes under the delusive impression that Irish distress has been removed by the legislation of the Imperial Parliament. Your measures have scarcely had any tendency towards the performance of that great public duty.

I shall endeavour to follow my noble Friend through his short, but clear and able, statement. With that object I shall proceed to an analysis of the Bill on the table. The first clause to which my noble Friend has referred, was framed with the object of establishing a maximum beyond which the poor-rate of Ireland is not to pass. The object and justification of such a clause, is the encouragement which it is supposed you thereby give to outlay of capital upon land in Ireland, and the consequent increased demand for labour, and augmented production of agricultural wealth. It was intended as a relief to the present race of proprietors, and as an encouragement to those who might hereafter be disposed to purchase Irish estates, by giving to both classes a security against the enhancement of rates beyond a certain fixed standard. I am happy to observe, from my noble Friend's argument, that he at least is not one of those dogmatists who consider that the absolute annihilation of the existing proprietors, and a total change in the ownership of land, is the one thing needful, and the first step to produce any permanent improvement. My noble Friend, it seems, admits that whatever encouragements are given, should be extended impartially to the present as well as to the future possessors of property. My noble Friend considers that it is both useful and just to hold out inducements to the present landowners to lay out their capital in the improvement of their estates, as well as to the new purchasers who may be tempted to invest; but then such inducements, if given at all, should be honestly and sincerely given—they should not be based upon false pretences; we should not bait our traps for capitalists with fraud. Nor, if we attempt to do so, will those capitalists be so easily caught. The principle of a maximum is absolutely worthless, unless we can convince the public that it will be strictly adhered to. If its permanence cannot be relied on, what purchasers will be so rash as to expend their money upon a doubtful contingency? Have you ever tried a maximum rate in England? In all cases I feel desirous of testing this and other propositions by an English standard. Our experience of the poor-laws in Ireland is too short to afford us many Irish precedents. We have no facts from whence to generalise; but, I repeat my question, have you ever tried a maximum rate in England, and with that result? You have done so. You have done so more than once; and more than once it has failed you, and its inexpediency has been proved experimentally. You tried it in your incorporated unions. You established it by statute law; but in the year 1796 you were constrained to pass a new Act, in the preamble of which it was set forth, that—

> "Whereas several Acts of Parliament have been passed by which the amount of poor-rate is limited to a certain sum not exceeding the average amount levied for the support of the poor in the several districts for a number of years;"

And then followed an enactment that—

> "Such maxims having been found insufficient, it should thereafter be increased 100 per cent."

Here we see a maximum established, and here we see its absolute failure. Is not this conclusive evidence that a maximum cannot be relied upon? But this is far from being all. In the year 1812 the maximum, which had been doubled in 1796, was again found to be inadequate for the purposes which it was intended to meet. Parliament felt themselves called upon, not merely to increase, but absolutely to repeal that doubled maximum—rejecting the principle altogether as vicious and impracticable, and permitting the incorporated unions to impose any amount of rate considered necessary for the support of the poor. If such has been the case in England, I should like to know whether the habits of the people of Ireland are so steadfast, and the progress of distress so slow, as to make it improbable that a result like those of 1796 and 1812 would not be produced in Ireland. What capitalist with these facts before him could be induced to place the slightest confidence in the permanence of a maximum in Ireland, if it should now be rashly established?

But the principle on which it is proposed by this Bill to fix a maximum, is indefensible, and I may say absurd, upon other grounds. There was at least some plausibility in the original maximum established in England; it professed to be founded on experience—it was calculated on the average of the rates paid in each district during a specified number of years. The estimate of the future rate was thus made and varied according to the circumstances of each locality, as proved by the past. But we are now called upon to adopt in Ireland a standard purely empirical; a standard made uniform by law, and applied alike all over the country; this, too, in reference to a country where the difference between province and province is extreme to a degree unknown in English experience. It was neither founded upon, nor guided by, any average of past expenditure, nor yet by any estimate of future wants. No reason could be shown, or even suggested, for adopting a maximum of *5s.* rather than one of *4s.* or of *6s.* Again, a maximum, by way of a definite poundage rate, must necessarily imply a uniform valuation to which such poundage applies. Now, the evidence taken before the Valuation Commissioners proves that the valuation in different parts of Ireland varies no less than from 30 to 40 and 50 per cent. Thus a maximum of *5s.*, though nominally uniform, will, in fact, be *5s.* in one instance, and 10*s.* in another. And here it is necessary to refer to another part of the case. The variation in the condition of the people is even greater than the irregularities of the valuation. In the union of Dunshaughlin, for instance, the property, as compared with the population, stands in a ratio exceeding 100 to 1; whilst in the union of Glenties it is but 7 to 1. Are your Lordships prepared to apply the same maximum to cases so utterly dissimilar? A proposition more untenable, one more absurd, was never submitted to rational men. I presume the blunder is defensible only because it is proposed for Ireland.

But the proposed maximum will turn out, if more closely examined, to be no *5s.* maximum at all. The *5s.* maximum was practically abandoned during the progress of the Bill through the House of Commons, where very material changes in its enactments were made. It is to me clear that my noble Friend (the President of the Council) has not been made aware of those subsequent enactments. He has reasoned exclusively from the original Bill; he who is all candour and truthfulness would not otherwise have omitted that which is essential to a just consideration of the question. It is not a maximum of *5s.* only with which we have to deal; to that maximum must be added a contingent charge of 10 per cent for a union rate, a certain charge of 2½ per cent for a general rate in aid, and to this was also added during the discussions on the Bill in the House of Commons, a heavy and varying charge for the amount of debts upon the several unions, which to that period seemed to have been forgotten or left unprovided for. In the thirty-two distressed unions specified in Mr. Twisleton's last return, the net debts in March, 1849, amounted to no less than 231,171*l.*, being more than double the amount of the expenses for the in-maintenance of the poor, and nearly equal to the whole expense of out-relief. The estimated receipt of rates for the same half year does not amount to 200,000*l.* Attention was necessarily called in the other House to the absence of all provision for these debts. The extent of such omission is exemplified by the following table:—

Union.	Net Debt due March 25, 1849.
Ballina	 19,032
Ennistimon	 12,948
Galway	 11,080
Kenmare	 25,596
Kilrush	 13,068
Roscommon	 11,023
Scarriff	 14,421
Ennis	 11,288

It was therefore found indispensably necessary that in addition to the *5s.* maximum, and to the 12½ per cent rates in aid, provision should be made for the union debts, and it has been made accordingly. A more complete demolition of the original Bill, and a more signal proof of the want of knowledge on the part of those who had framed it, could not have been given. On the other hand, the provision necessarily made for these debts was a demolition equally signal of the principle of the maximum. Had not some provision been made for the debts, one of two fatal consequences must have ensued; the rates being insufficient for the double purpose of the debts and the current expenses, either the poor would have been left without an adequate provision, or the contractors and other creditors of the unions would have been deprived of their security. Take, for example, the case of Messrs. Russell and Co., of Limerick. To that respectable mercantile house certain unions are indebted to the amount of 46,000*l.* By what right can those gentlemen be deprived of any security which they now possess for the recovery of their claim? Passing from this point to another, the Bill makes a further addition to the possible charges under the clauses for Emigration. Should these provisions come into operation, the maximum will further be considerably increased. Reviewing all these facts, is it possible to expect that capitalists should be induced to purchase or proprietors to improve land upon the faith of this supposed maximum? more especially when, judging by the English precedent, no security can be felt, that a maximum, already shown to be excessive, will not be doubled at some future time. The proposition of a maximum is therefore too monstrous to obtain faith in the minds of the most credulous. The lowest boy in the lowest class of the very worst of the national schools over which my noble Friend (the Lord President) exercises his salutary authority, would prove arithmetically that this proposition for a maximum rate is an absurdity in itself, and, if relied upon by purchasers, will be discovered to be an imposture.

But the principle of maximum is connected in this Bill inseparably with a rate in aid—the two proposals must stand or fall together. In proposing that the rate in aid of 10 per cent shall be enforced at the will and pleasure of the Poor Law Commissioners, your Lordships are called upon to legislate in a manner fatal to the real interests of Ireland. The general rate in aid of 2½ per cent stands condemned by the third report of the Select Committee, which was carried by a large majority, and only passed your Lordships' House by two votes. But, bad as that measure was, the union rate in aid of 10 per cent contained in this Bill is infinitely worse, both as productive of future danger and of present mischief. In the first place, it should be remembered that this union rate in aid is proposed as permanent. In the second place, it was a tax of 10 per cent, not 2½ per cent. Your Lordships should recollect that a tax upon property of 10 per cent was the highest amount of tax on property ever levied in England, and that during the war, when we were contending for our national existence. The principle, too, on which this rate in aid rests is wholly unprecedented in English legislation. Only two cases have been referred to as authorities in which on any of the 14,000 parishes of England a rate in aid has been imposed since the days of Elizabeth. It is preposterous to consider these two cases as precedents, when they are contrary to the otherwise unbroken chain of experience. The case of Worcester applied to a few small parishes in a town, and appeared little more than a friendly contribution among neighbours. The fatal case of Cholesbury is evidence the other way. Mr. Gulson observes—

> "The rate in aid did not relieve that parish. It became waste and uncultivated, notwithstanding the rate in aid."

If English experience is then to be referred to (and it is our safest guide), we find it to be contrary to the principle of a permanent rate in aid, more especially when the tax is made dependent upon the mere arbitrium of the Poor Law Commissioners. Your Lordships are also called to adopt it in opposition to the evidence of all the most authoritative witnesses examined before your Committee. This difficulty will be greatly enhanced when it is considered that the claim for a rate in aid is made dependent, not upon the amount *bonâ fide* paid in any electoral division, but on the amount assessed, together with such lesser payment as the commissioners consider just; for

> —"this will, undoubtedly, operate as a bounty upon non-payment. I think I may defy you practically to work out the proposition. I am satisfied that an attempt to do so will create inextricable difficulty."

Such are the words of Mr. Gulson.

Again, it is clear that a union rate in aid cannot come into operation at all within the distressed districts. Electoral divisions separately insolvent cannot become solvent in their collective capacity. This lies beyond even what is termed Parliamentary omnipotence. Connaught, for the greater part, cannot furnish means for paying this 10 per cent rate. But let us proceed farther. Take the union of Glenties, for example, where 43,000 people are to be supported upon a rental of 16,000*l.* In that union there is but one single electoral division, that of Fintown, which is capable of paying a rate in aid. The electoral division of Fintown is valued at 425*l.* only, therefore the 10 per cent rate will produce but 42*l.* The contribution, consequently, of 42*l.* as a union rate would be absurd, if considered in relation to the wants of a population of 43,000. But this miserable contribution of 42*l.* could only be obtained by the taxation of the immediate lessor in Fintown, and the funds for supplying it must be afforded by his large expenditure of capital upon his estate.

In the union of Donegal, containing 41,371 inhabitants, and valued at 31,637*l.*, I believe that there are but three electoral divisions which are capable of sustaining a rate in aid, these being the property of the Earl of Arran, Mr. Hamilton, and a young and gallant officer, a kinsman of my own (Mr. Leslie). The more prosperous condition of these three districts is attributable solely to the large expenditure made by the proprietors in their improvement. In consequence of such expenditure I am informed that the estate of Mr. Leslie is at the present moment comparatively relieved from distress, consequently there is but little pauperism, and the rates are light. But let the 10 per cent rate in aid be imposed upon Mr. Leslie's estate, and it becomes at once burdened to the same extent with the neighbouring paupérised districts. Thus he would have reimposed upon his property by Act of Parliament those heavy rates which he has endeavoured to escape from by great labour and a generous expenditure. Nor would this have the effect of providing adequately for the pauperised districts. The rate in aid would, therefore, be at once an absurdity and an injustice. A similar instance will be found in the union of Galway. The population of that union amounts to 88,973, the valuation to 100,777*l.*, and it consists of twelve electoral divisions. Of these twelve districts that of Galway alone, which is valued at 44,812*l.* is capable of paying a union rate of 10 per cent; this rate would produce 4,480*l.*, and no more. But the 88,000 inhabitants of Galway union required, in addition to the rate collected during the last year, an expenditure of no less than 23,993*l.* It is obvious that the rate in aid of 4,400*l.*, however ruinous to the electoral division, would be wholly inadequate to the wants of the Galway union.

A farther, and a still more conclusive, objection applies to the Bill. The rate in aid is to be exacted, not when the maximum rate of 5*s.* shall have been collected, but when so much has been levied within that amount as in the judgment of the Poor Law Commissioners shall appear to be sufficient. It is therefore a mere delusion to hold out the maximum rate payable in neighbouring districts as a protection against the imposition of a rate in aid, when the whole depends upon the discretion of the Poor Law Commissioners. The Bill places the property of one man at the discretion of another, that other being a nominee of the Crown, to an extent never before attempted in any civilised country.

On these two grounds, therefore, in a future stage of the Bill, I shall confidently ask the House to omit these two clauses altogether. The maximum rate is a delusion and an absurdity, and the rate in aid an injustice to which I feel assured your Lordships cannot on reflection agree. No such principle has ever, to my knowledge, been previously affirmed. If the House should refuse to negative these clauses, I shall then propose that the duration of the rate in aid should be limited to two years. My noble Friend has said, and has said most truly, that these are the two great principles of the Bill. I admit that they are so. But, if my reasoning has made an impression upon your Lordships' minds—if I have shown that there exists no authority, analogy, or common sense to recommend either the maximum or the rate in aid—I feel assured that these clauses must be rejected. There never was exhibited so large a sacrifice of principle, such an abandonment of all fairness and justice, such a disregard for the equitable rights of property, as are manifested in this part of the Bill.

To proceed farther. It is clear from the evidence that without a reduction in the size of unions, and without the erection of additional workhouses, the poor-law cannot be carried into effect consistently with humanity, with discrimination, or with economy:—

> "From the extreme point of Bingham's Town to Ballina is more than 42 English miles. If a pauper has to go twice and return, he has 160 miles to travel." (Bourke.)
>
> "Such instances operate as a bar to the relief the Act contemplated." (Gulson, 858.)
>
> "When we found unions so large that a pauper might be required to travel thirty miles to a workhouse, there could be no hesitation in reducing a distance so prohibitory. In one case it has been stated that a man walked 150 miles before he was ultimately admitted into the house." (Boundary Report, p. 8.)
>
> "Parties have, on transmission from such distances, sunk under the fatigue and died on the road side." (Martin, 2,549.)

On this and much additional evidence to the same effect, the Boundary Commissioners and your Lordships' Committee have united in recommending reduced unions and an increased number of workhouses. Yet the Bill is silent on this subject. The Government is surely bound, in common justice to the country, as the responsible advisers of the Crown, and as the authors of the present Bill, to give effect to this recommendation. It cannot be operative unless the new workhouses are assisted, as the original workhouses were. What had Parliament done when the first poor-law passed in 1838? Parliament had felt it indispensable to give public assistance for this purpose. On what principle could that assistance be now refused? Is Ireland less distressed now than in 1838? Those noble Lords who attended the Select Committee are well aware that there is no exaggeration in the striking statements of Count Strzelecki. He observed—

> "I have had occasion to visit civilised communities under most latitudes and longitudes, including the aboriginal races in North and South America, the South Sea Islands, New Zealand, and Australia; and I have not found anywhere else men subject to misery of such an aggravated character as are the Irish peasantry of the western unions." (8,561.)

He compares it to the state of Tuscany in the time of famine, described by Sismondi. If that be so, is it possible that the Government can be contented with a barren enactment, recommending new workhouses, without providing facilities for their creation? If the Government are sincere in their recommendations, they should furnish the means for carrying out the principle practically. If they do not, let me entreat them, at least, to expunge that clause from the Bill, which, without increasing the means of relief, will perplex all poor-law administration, and will set one board of guardians at variance with another, by attempting to render a single workhouse available for two distinct unions. Without a provision for distinct workhouse accommodation, the Bill will be utterly impracticable.

The noble Marquess has touched but slightly upon the 18th Clause of the Bill for the recovery of rates. He did indeed vouchsafe to say, in passing, that there was some novelty in it. I shall endeavour to explain what that novelty is, and to point out its injustice and its danger. When the Poor Law of 1838 was introduced, two modes were provided for the recovery of rates. The one, a summons before the petty sessions, and a warrant of distress; the other, a proceeding by civil bill before the assistant barrister. From the decree of the assistant barrister an appeal lay to the judge of assize, in order to avoid any local bias, and to obtain a higher legal authority. In 1842, my noble Friend (the Earl of St. Germans) introduced an Act for amending the Poor Law. This Bill was in several respects necessary. Under its provisions the owners of all tenements valued at less than 4*l.* were exempted from rating, and such rates were, for the first time, laid upon the landlord, or immediate lessor. These tenements were more than 500,000 in number, and they included more than half the rate-payers in Ireland. For the recovery of these rates, in addition to the remedies by distress, and by civil bill, a third mode of proceeding was introduced, and guardians were authorised to institute suits and actions in the superior courts in Dublin. This might be necessary where the landlords resided out of the jurisdiction of the local courts. But nothing more was contemplated than to obtain, through the superior courts, the same remedy which under ordinary circumstances the civil-bill decree or the justice's warrant would have afforded. This additional remedy could not, however, be resorted to by any board of guardians without the express sanction of the Poor Law Commissioners, and it was expressly limited to the cases of the 4*l.* tenement, where the landlord was made previously responsible. It never entered into the mind of my noble Friend, in proposing the Bill, nor, as I believe, into the mind of any one who supported it, that by thus giving a jurisdiction to the superior courts, Parliament was doing more than giving to those superior courts, within their enlarged jurisdiction, the same power which had previously been exercised by the local tribunals. It was not till within the present year, and, I believe, within a very few months, that a most important change has been effected in the law, not made by any distinct or avowed enactment, but as an unexpected incident traceable to a clause passed with another intent. It was discovered that a judgment obtained for poor's rate, in consequence of a suit in the superior courts, became a lien upon the real estate of the defendant. This principle is unknown in the law of England. I should have felt warranted in asking a repeal of this enactment, involving such an unexpected and important consequence; if defensible at all, it ought to have been the result of distinct legislation, adopted after free discussion. The present Bill, so far from remedying this evil and injustice, carries it infinitely farther. Perhaps English gentlemen might be apt to say, although their lands are subject to no such charge, that it is right to make Irish freehold estates subject to be sold for poor's rates; but will such English gentlemen defend the principle that our estates are to be made liable to judgments and sale, not for our own debt, but for the debt of another, and that other very possibly a fraudulent tenant, who, after withholding all payment of rent, absconding from the land, and carrying off all his stock and other effects, leaves the estate subject to an arrear of rate which may be recovered, under this Bill, by a judgment against the landlord, and a sale of his estate. This result is distinctly contained in the enactments now under consideration. The Select Committee of your Lordships' House, of which five Cabinet Ministers were Members recommended that the powers of proceeding in the superior courts should be withdrawn; that rates should be in future recovered at petty sessions, by warrant, or before the assistant barrister by decree, subject to appeal, as I have already explained. The Bill is thus in direct opposition to the report of the Committee. By the Bill, at an expense of *5s.*, and with scarcely any notice, a decree being obtained in the local court, it may be registered in the superior courts in Dublin; that registration gives to the decree the force of a judgment; and thus no individual is safe from having his landed property subjected to such judgments, not only for his own debt, but also for the debt of a fraudulent and runaway tenant. To complete the injustice, the Bill also proposes to give such judgment priority over any charge or incumbrance, except, indeed, claims due to the Crown. Is this just or reasonable? The landlord is subjected, the moment such judgment is obtained, to an application for a receiver, or for a sale of his estates. He is also subjected to all the expense of such a proceeding. For the correction of the existing evil, and to prevent its going farther, I shall propose to your Lordships to follow the recommendation of your own Committee, and to allow of no proceedings in the superior courts for the recovery of rates—amending the existing law, however, so as to preclude any fraudulent evasion of rates.

I now proceed to state another objection to this Bill. I strongly object to that clause which, for the first time, subjects jointures and other annuities charged on land to the payment of poor's rates. Why are the owners of this particular description of property to be subjected to this assessment? They are selected because it is known that they are defenceless. The landlord and occupier have more or less of power to control the imposition and the expenditure of rates, but the widow and the annuitant are neither elected guardians, nor are they qualified to serve as such, yet for rates imposed by others they are now made responsible. The clause is indefensible upon another principle. An annuity is frequently granted as the consideration for money lent. Now, let me suppose the case of 10,000*l.* lent by Mr. Gurney, and secured by an annuity, and 10,000*l.* lent by Baron Rothschild, and secured by a mortgage; both sums being lent to the same person, and secured on the same estate. On what principle of justice can you defend the imposition of a poor's-rate on Mr. Gurney, when you allow Baron Rothschild to go free? The injustice and the want of generosity are alike manifest. You dare not tax the mortgagee, because he is at liberty to foreclose, or to raise the rate of interest. You do tax the annuitant, because he is in your power, and cannot resist your injustice.

I feel some surprise at the mode in which the noble Marquess (the Marquess of Lansdowne) has disposed of the Emigration Clauses. He has told us that they were introduced by a very respectable Member of Parliament, and formed no part of the Government Bill; they are treated as matters of comparative indifference. Are Her Majesty's Ministers prepared individually, as well as collectively, to justify such an opinion? Can they, with the evidence before them, either state that emigration is unnecessary, or that it is now going on so extensively, so rapidly, and so satisfactorily, that it neither requires aid or guidance? But is this consistent with their own acts? The First Lord of the Treasury had himself proposed, in the Select Committee, that power should be given to impose rates of *2s. 6d.* in the pound, or one-eighth of the whole rental of Ireland, for the purposes of emigration. I therefore have at least Lord John Russell's authority for my assertion, that it is necessary and expedient to assist emigration from Ireland. Unless, therefore, you undervalue that noble Lord's authority, it is an invention and a calumny on the part of those who describe emigration as a selfish device of the landlord to get rid of a burdensome population. Lord J. Russell would not have appropriated 1,600,000*l.* for a purpose so indefensible. It is true there is a large emigration now in progress;—that emigration will and must increase; but of what elements is it composed? It is the emigration of the most active and industrious classes; it is the emigration of the small capitalists; of those whom you grieve to lose, and whom you would readily make large sacrifices to retain.

Captain Farren says—

> "Those who are principally going are the holders of land." (6,338.) "Those who have means are leaving the country, and therefore the country, to a certain extent, will lose." (6,340.)

Colonel Clarke observes—

> "You take away the best qualities of the population." (7,796.) "The best prop of every country is the middle class, who are now quitting Ireland; it is only upon that class that you can depend for the stability of the country; and I look upon every individual taking himself away, and possessing capital and intelligence, as a positive loss; and that in a double degree, because he leaves behind him those who are a dead weight upon the land."

Mr. Senior is equally explicit. He observes—

> "Under the existing system of emigration, left to natural causes, precisely the people go whom you would wish to keep, and precisely the people stay whom you wish to go." (1,845.) "Facts have come to my knowledge proving that very large sums of money are taken away by emigrants to the United States. Those that go are generally, in the first place, the most energetic and best part of our population; and, secondly, they are persons whose departure diminishes the remaining capital." (1,854.)

Colonel Knox Gore expresses the same opinions:—

> "The emigrants are persons who have capital; they are a loss in both ways; they created capital by their labour, and had sufficient capital remaining to keep them afloat; they had a good deal of means—200*l.*, 100*l.*. 70*l.*," &c. (2,132.) "The class going are of a better class than the small farmers; they are holders of fifty acres and upwards." (Kincaid, 3,128.) "There will be a large emigration of farmers from Connaught this year." (Bourke, 3,194.)

Mr. Brett observes, in relation to the county of Mayo—

> "All the industrious classes who have the means of going at all are going; farmers and tradespeople seeing no likelihood of realising a support for themselves and families; they see nothing but ruin and misery around them, and the certainty of spending their capital by remaining idle at home." (4,995.)

Such is the emigration for which my noble Friend the Postmaster General took credit some short time since, and which he seemed fearful to discourage. The emigration of such industrious small capitalists who, when they found they could not profitably cultivate land in Ireland, quitted the country, has led to the abandonment of farms, and has produced the existing waste and desolation. To rely upon such emigration is as great an error as it would be, in a case of disease, to rely upon the fatal bleeding of an artery in place of the opening of a vein. It is arterial blood which is now flowing in Ireland. I have ever contended that the emigration which is most required from Ireland is that which would likewise be most beneficial to our colonies. Let that emigration be but assisted, and we shall check an emigration which is morally, socially, and economically injurious. It is an error to suppose that the emigration of capitalists is that which will be most useful in the colonies. I can refer to cases in which it would be as mischievous to the colonies to add to capital without accompanying that capital by labour, as it would be to Ireland to retain its labour, and to lose capital. It is not capital so much as labour which is required in New South Wales; it is rather labour to make colonial capital productive; in the Australian colonies its sheep are slaughtered and boiled down for tallow, for want of hands to shear them. The universal complaint from those colonies is, the insufficiency and high price of labour. If we encourage the emigration of capitalists, we raise the the price of labour, and thus inflict an evil upon the colony which receives the capital, and on Ireland whence the capital is withdrawn. If these observations be true—and they rest upon undeniable evidence—how is it possible to treat this great question lightly? The clauses of the Bill respecting emigration are important as affirming the principle; but they must be strengthened and rendered practical if the Legislature seeks to perform its duties towards Ireland. I shall propose Amendments for that purpose.

In the third report of the Committee on the Poor Laws, which I had the honour of preparing, and which was agreed to by a majority of twelve independent Members of all parties, English as well as Irish, voting against five Cabinet Ministers and the Master of the Buckhounds, there were contained recommendations wholly opposed to the principles of the present Bill. In that report the principle of the rate in aid was unequivocally, and, as it appears to me, incontestably disproved. But, even in the last report of that Committee, a report presented by the Lord Steward, there were many recommendations which I am entitled to call upon the Government to realise. In that report it was stated, as the unanimous opinion of the Committee, that no permanent system for the relief of the poor can be safely and beneficially carried out in Ireland, unless by a recurrence to the principles of the original Poor Law Act of 1838, excluding the present system of outdoor relief. This was practically the principle of the English Poor Law Amendment Act, as originally framed. Such avowedly was the principle of the Irish Bill introduced by the Government of Lord Melbourne. Without a recurrence to that principle, experience had now demonstrated that there was no chance of carrying on the poor-law with any effect in Ireland. Not only was that principle laid down in the last report, to which five Members of the Cabinet agreed, but it was also asserted in the most bold and uncompromising manner by an eminent Statesman in the other House of Parliament—I allude to Sir Robert Peel. He had the manliness and courage to assert that there was neither safety for property, nor for administration of the poor-law, until the necessity for excluding outdoor relief was acknowledged. I seek in vain in the present Bill for any enactment which asserts this great truth. It is excluded from the Government measure. In thus proposing to reform the poor-law, they are trying to perform Hamlet with the part of Hamlet omitted. From this great error they have been driven to the expedient of proposing to confiscate the property of one district in Ireland, in the vain hope of relieving the pauperism of another. The Bill before us at once deprives industry of its just reward, and Ireland of its only hope.

I shall now allude to the question of the division of unions and of electoral divisions. At an early period of the Session, the President of the Council stated, that although the new boundaries might be carried into effect without the special sanction of Parliament, he yet thought that it was right to obtain a legislative authority for what was proposed. This engagement has not been performed in the Bill under consideration. It is not recognised. It is not even alluded to. Neither is any provision made for the erection of new workhouses, although it is evident that without such arrangements it is impossible to revert to the principles of the first poor-law, or even to administer that law as it exists. An attempt to appropriate one workhouse to two unions is worse than useless. It is mischievous and dangerous. Without new workhouses a limitation of the area of taxation is useless. I know there are many who attach what appears to me an undue importance to this latter measure. They consider it not only as needful, but as the one thing or the only thing needful. In my judgment, however desirable, and even essential, it may be, it cannot be considered, like the talismanic words of *open sesame*, the means of removing all obstructions. But the advocates of a reduced area of taxation must indeed be easily contented if they are satisfied with the provisions of the present Bill. Even supposing that their just expectations were fulfilled by the Government, must they not perceive that those expectations are counteracted by the proposed rate in aid? We first hope to individualise responsibility, as it is called, and then by the rate in aid we destroy the responsibility of individuals. We thus blow hot and cold, and make our legislation a mockery and a delusion.

In the existing law there are enactments with respect to the duties and to the salaries of auditors. The receipt of the salaries has, I doubt not, been punctually attended to; but the duties appear to have been wholly neglected. Mr. Twisleton admits that a gross misapplication of the public money, and that to a very great extent, took place in November, 1847, in the union of Newcastle; and yet in April, 1849, no remedy had been obtained for the ratepayers (7,110). The reason which he assigns for this is somewhat singular. He says—

> "It was a very heavy case; the amount illegally given was very considerable."

In other words, because the injustice was great and undeniable, no relief had been obtained, and no punishment enforced. But he goes farther. He was asked—

> "Within your knowledge have monies of that description ever been refunded?"

His reply is conclusive—

> "I do not remember a case." (7,120.)

I propose a remedy for this unexampled maladministration; and, if your Lordships support me, I shall render the law more strict, and the responsibility of the poor-law inspectors more effective.

There are other amendments of detail in which I cannot but anticipate an agreement on all sides. I shall propose clauses to enable the guardians to acquire sites for workhouses upon more equitable terms. I shall also submit to your Lordships the necessity of combining with the ordinary guardians an assistant paid and resident guardian, who shall direct the management of the workhouse, the financial affairs of the union, and the accounts which are in their nature most intricate. I shall propose that where a tenant sublets or subdivides his farm, contrary to covenant, he shall lose his power of deducting from the landlord any portion of the rate. It cannot be held unjust that, if the tenant produces pauperism by his own act, and does so in violation of his engagement, he shall be compelled to pay for the maintenance of that pauperism which he has created. I shall propose clauses, likewise, removing the technical difficulties which impede the trial of poor-law cases, both in proceedings for the recovery of rates and in appeals. I shall propose, likewise, the entire abandonment of legal proceedings in the superior courts. I shall introduce a clause to facilitate emigration. But these are all questions which will be best discussed in Committee. They are all founded on the recommendation contained in the last report from your Select Committee, and were adopted unanimously.

There is one subject more to which I must take leave to call your most serious attention. I challenge this Bill, even combining it with all other Irish measures passed in the Session, as being utterly inadequate to meet the exigencies of Ireland. It makes no attempt to remove any one of the causes of pauperism, and it is insufficient to cope with our present misery. If I had not the evidence of this Session before me, I could not have conceived it possible that a Bill like the present could have been proposed by any Government. I could not have believed that it could have been framed by men bound to have read the papers laid on your table, and the evidence taken before the Committee. On the contrary, it appears to me the work of men utterly ignorant of the extent and the intensity of our suffering. The attempt to hew down rocks with a razor would be as reasonable as an attempt to remove Irish distress with so miserable and feeble an implement as that provided by the present Bill. The people of Ireland have been taught by their real friends to look to the Legislature and to this country for guidance and for justice. But the Bill before us is no less opposed to justice than to common sense. I wish I was enabled to refer to the report of the Poor Law Commissioners for the present year; but that report has been mysteriously delayed. The Commissioners by law were bound to have presented it long since: they have not done so. The last reports from the distressed districts have also been delayed. These Irish returns, like Irish remedial measures, are generally delayed to the period when they become valueless. I am, therefore, driven to reason from the antecedent returns; but as it is notorious that the country has not improved, but the reverse, the inference to which I shall lead your Lordships must be considerably within the mark. I shall refer to the papers for the month of May. The estimate formed by the Poor Law Commissioners for that month, for twenty unions only, amounted to 64,215*l.* The estimated collection of rates in those unions was but 9,090*l.*, showing a deficiency of above 50,000*l.* The vice-guardians from Ennistimon stated, on the 1st of May, that they had only a supply for three days' consumption, and this furnished on their own personal responsibility. On the 7th of May, the same vice-guardians stated, further, that they had not one shilling at their command, and were, therefore, driven to solicit an immediate grant by return of post, to avoid the most fearful consequences. The answer of the Commissioners was simply that they had no funds at their command. The accumulation of debt, and the consequent legal proceedings against the unions, are reported. Executions are at the present moment in the workhouses of Gort, Castlebar, and Tuam.

On the 28th of April, 46,568*l.* is reported as due to the single commercial house of Russell and Co., of Limerick. The consequence of this accumulation of debt is shown to be an increase in the price of all articles supplied. In the union of Newcastle, 1*l.* 15*s.* per ton is charged beyond the market price of 8*l.* 8*s.*, being an excess of 30 per cent above the market price for ready money. The Home Office, on the 10th of May, decide in the teeth of these facts, that the object of the Government advances would be defeated if the debts to the contractors were paid. From Ennis, on the 18th of April, it is reported that the stewards and other union officers are placed on the relief lists from want of funds to pay them their wages, and that contractors make the same demand. The vice-guardians of the Scarriff union apply for assistance, stating that they "had no credit left except for good intentions." Now this appears to me an equally just description of the condition of Her Majesty's Government. "Credit for good intentions" they may be entitled to claim, but it is the only credit which will be given them in Ireland. Credit they cannot claim for their mode of extinguishing the overwhelming distress and consuming poverty of Ireland. On the 11th of May the vice-guardians of Scarriff again report, with some epigrammatic bitterness, that

—"everything was satisfactory with them except their bankruptcy, having neither credit nor funds."

On the 14th of May it is stated—

"That the small occupiers of Glenties who are in arrear have nothing whatever, and that many ratepayers are infinitely greater objects of charity than the paupers in the workhouse."

On the 26th of May the Poor Law Commissioners admit—

"That a great mortality has, without doubt, taken place recently in some of the unions."

The report of Mr. Achmutie contains some striking evidence of the intensity of the pressure. The sale of the last effects of the very poorest classes appears to have taken place.

"A donkey sold by distress for 2*s.*: 200 goats, the last possession of the very poor, were sold at one time. At Swineford (May the 19th) it appears that a widow lady who had been worth 400*l.* a year had applied for relief—150*l.* of rates was due from her. In Galway 9,629*l.* was due in May, a very small portion of which could be collected before harvest; even then, so great was the poverty of the union, independently of the vast tracts of unoccupied grounds, that the collection was expected to fall far short of expectation." "In Gort 3,300*l.* out of 3,370*l.* due, is stated to be uncollectable till harvest. The solvent ratepayers are a miserably small minority; numerous occupiers are reduced to a state bordering on pauperism, and much land is lying waste. At Ballina scarce any of the last harvest remains; the whole stock and farm property of nearly all the agricultural ratepayers would not amount to a moderate rate, and unless the position of property changes, so that employment be provided and land brought into cultivation, the prospect of collecting rates will be hopeless."

Of 7,694*l.* due in Castlebar, 5,000*l.* is uncollectable. In many cases the lands of occupiers are waste. In some cases the property seized does not realise the rate. In numerous other cases no property whatever exists to meet the rate. In Ennis a deficiency of 24,800*l.* will remain after the collection of the rate. Such is the present state of some of the distressed unions. Such had been the operation of the system upon which Government and the Legislature relied. To your Lordships generally some of the facts I have stated may not, perhaps, appear to have any great force; but to such as are personally acquainted with Ireland, the sale of the donkey of the peasant, or of the goat whose milk supports his children, afford the most conclusive evidence of the suffering and ruin of the entire community, and cannot fail to convey the most emphatic expression of our present distress. With this is concurrent the absolute insolvency of many of the gentry and proprietors on whom you propose to cast new burdens. So miserable being the condition of the tenantry, and such being the working of the poor-law, lands lying waste, production rendered impossible, the collection of rents necessarily ceases. Superadded to this loss of rent, the landowner is subjected to the rates due primarily from his tenants. He is called upon to make good the deficiencies of a fund to which he had already paid his contribution. He is called upon to meet the destitution arising from causes over which he had no control.

I must refrain at this hour of the evening, and in the present state of the House, to go more at length into the evidence, but there is one farther document to which it is absolutely necessary to refer. We are not left wholly to calculate from the past the future wants of these unfortunate districts. A return has been laid before the Commissioners at its latest sitting, on which Mr. Twisleton founds his calculation for the future. In thirty-two unions, he states the amount of debt, on the 25th of March, to have been 231,000*l.* The estimated expenses for the current six months, 464,000*l.*, making a total of debts and expenses of 695,000*l.* Mr. Twisleton calculates, more sanguinely than the facts warrant, that 193,000*l.* will be collected during the half year; but even if this expectation were realised, there would remain a deficiency of more than 500,000*l.* during the six months. There is no more chance of meeting such deficiency by rates, than there would be of catching white bait by spreading a net over the floor of your Lordships' House. But I have said that Mr. Twisleton was over sanguine. His estimate of six months' collection, in some of the distressed unions, is as follows:—

Ballinrobe . . .	£5,200
Ballina . . .	6,570
Castlebar . . .	5,000
Castlerea . . .	8,000
Ennistimon . . .	10,000
Kenmare . . .	4,000
Kilrush . . .	8,000
Roscommon . . .	12,000
Athlone . . .	11,600
Ennis . . .	13,000
Cashel . . .	20,000

My reply to these calculations is simply that they are impossible. To meet this distress Parliament has liberally voted one grant of 50,000*l.*, and a loan of 110,000*l.* has also been advanced on the security of the rate in aid. If your Lordships consider that the provision so made is adequate, you blind yourselves to the magnitude of the peril, whilst you apply a magnifying glass to the remedies which the Legislature has provided. My Lords, I lament the course of legislation in which you are involved. I lament the sacrifice of Irish interests, both as respecting the proprietors of land and the poor, which you are making. I fear it must be traced to a want of sufficient information respecting the country whose interests are committed to your charge. I would deprecate the inferences to which it may lead. I lament the realisation of those predictions which were made at the time of the Union by one of the greatest of your statesmen. Let me remind you of the words of the late Lord Grey, spoken on the 21st of April, 1800. That eminent man observed—

> "I am far from supposing that British Members will wantonly abuse their powers; but the prosperity of a nation should not be left at the discretion of any man or any set of men, however just or generous they may be; and it is impossible for Ireland to enjoy that security which her constitution at this time affords her if she is united to England in the manner proposed."

I cannot but fear that your measures since 1846 but too strongly prove that Lord Grey was right.

I cannot but fear that agents and public officers, acting under the authority of the Imperial Parliament, show themselves but too apt to deal with the rights of Irish property in a more reckless spirit, and under a less immediate sense of responsibility, than if it were English. I would, however, bid them and their superiors beware lest they suffer themselves to be betrayed into a disregard of that equal protection which they are bound to extend impartially on both sides of the Channel. The present Bill, and the attempt to enact this indefensible rate in aid under the existing circumstances of Ireland, exhibits, on the part of Her Majesty's Government, that very recklessness and injustice which had been foretold, and so emphatically denounced, by the late Earl Grey.

Do not, my Lords, think that you can rid yourselves of the present pressure of duty by merely going into Committee on this Bill. Do not fancy that you have provided immediate remedies, or future precautions, against the dangers which surround us. You may, perhaps, conceive that, as the harvest is near at hand, and as there is a general expectation that it may prove productive, the abundance which you anticipate will be a remedy for the unhappy inflictions under which Ireland labours. Do you imagine that a restored productiveness of the potato will render the condition of Ireland either safe or satisfactory? But have you any right to reckon upon that renewed productiveness? I warn you against any such confidence. Nor do my apprehensions rest upon slight authority. I may be allowed to mention the name of one individual who has communicated with me upon this subject—a gentleman well known to many of your Lordships—Mr. Vandeleur Stewart, on whose powers of observation every reliance may be placed. That gentleman has informed me that he has already detected evidence of the progress of disease among the crops in his neighbourhood. If that be so, and if the disease should extend, from what sources are the people of Ireland to expect relief? But, supposing that Mr. Stewart is fortunately in error, is the House to rely upon the potato, combined with such miserable attempts at makeshift legislation as those adopted in the present and in previous Sessions? What is the present condition of Ireland? I appeal to evidence—and to evidence superior to any which has yet been brought before your Select Committees. What is the statement made by your own admirable Lord Lieutenant, in that memorable letter to the Lord Mayor of London, in which he comes forward to give his approval and sanction to that great scheme which had been shadowed forth in the House of Commons by another eminent Statesman, to whom Lord Clarendon, though differing on other questions of policy, has practically paid a willing and generous tribute. In that letter the Lord Lieutenant of Ireland thus expresses himself:—

> "The whole social system of Ireland has been based upon the potato; and the failure of that

root has consequently entailed universal distress. Hence so many landed proprietors are now unable to keep down the interest of their mortgages. Tenants can no longer pay their rents, and the peasants, for want of employment, are driven upon the rates, of which the collection becomes daily more difficult. Such a state of things contains within itself no germ of amelioration; it cannot even remain stationary. It must go on from bad to worse, for the means of improvement are altogether wanting, and the national resources are gradually wasting; and even if the potato were to revive—and to that all classes are now clinging with desperate hope—it would only bring back the evils under which the country has been so long labouring."

Such is the description of Ireland, given by one of the most accomplished and practical statesmen who, in either part of the empire, has ornamented public life. A statesman who has effected a miracle in Ireland by uniting all parties in one opinion—a statesman who has acquired the confidence, and, I might add, the affections of all classes of the community—a statesman whose only wrong might be said to his having indefinitely postponed the settlement of an important question which, one day or another, must be considered by Parliament—namely, the abolition of the office of Lord Lieutenant. This Lord Clarendon has done by the admirable manner in which he has fulfilled his official duties. We prize the office for his sake. I pray your Lordships to respect his authority, even if you are determined to reject all other.

It has been said that the Government is afraid of England on Irish questions. If so, it is a mistaken timidity. If the Government was felt to be wise, the generosity of England would be unfailing. But, even if this were not the case, a supposition which I only name to reject it, we might appeal to the selfish interests of England. There can be no safety for this country whilst there exist 8,000,000 of starving people on the other side of the Channel, situated within four hours' sail from your shores. In the words of the Quakers' final report—

"The paupers are merely kept alive in crowded workhouses, or in alarming numbers by outdoor relief—their physical strength weakened—their mental capacity lowered—their moral character degraded. Hopeless themselves, they offer no hope to their country, except in the prospect—abhorrent to human nature and Christian feelings—extinction by death. Many families are now suffering extreme distress, who, three years since, enjoyed the comforts and refinements of life, and administered to the necessities of those around them. Thus we have seen the flood of pauperism widening more and more, engulphing one class after another, rising higher and higher on society, till it threatens to swallow up within its vortex all ranks and all classes."

In language equally alarming the excellent Count Strzelecki speaks:—

"Far from the calamity of Ireland being an ordinary case, it is an extraordinary one—unparalleled, exceptional; it is not a case within the power of local proprietors to cope with. Parliament and the public, in 1846 and 1847, showed that the calamity is an imperial one. The distress of 1848 and 1849, is the consequence of the melancholy events of 1847. As such it ought to be dealt with by Parliament and the public; otherwise the evils will accumulate and become an inveterate sore, and a disgrace to a civilised country. Any measure of immediate relief, which does not include measures for a radical cure, will only postpone the solution of the question, aggravating the evil."

Mr. Otway draws a conclusion from these facts as true as it is alarming. He observes—

"The united kingdom will not be safe in such a state; with such a sore no community can be safe."

I also entreat your Lordships to consider well the opinions which have been expressed in another House by that eminent man who was at the head of the last Government. He gave utterance in the House of Commons to words which conveyed hope and consolation to Ireland, as they indicated no narrow or isolated measures, no limited or uncertain relief for one particular type of Irish distress, but contemplated a wise and comprehensive remedy, striking at the root of her afflictions.

These are my witnesses—these are my authorities; from them you will obtain no support for your delusive maximum, or for your oppressive rate in aid. Again, let me entreat you to consider well the collateral evils which Irish misery must inflict upon English property. Let noble Lords read and weigh well the letters of Mr. Rushton to the Home Secretary on the effect produced by the immigration of Irish paupers into Liverpool—396,231—landed at that port in the course of a single year, 116,000 of these are stated to have been paupers, half naked and starving, landed during the winter. The cost of relief necessary to prevent thousands perishing in the streets—the cost also of the pestilence which follows in the train of famine—the consequences upon the health and character of the labouring classes of England—the increase of crime—are all dwelt upon by Mr. Rushton. These unfortunate outcasts understand well the principles of your law. Mr. Rushton continues—

"Few become claimants for parochial relief; for in that case they soon discover that they might be at once sent back to Ireland. They take refuge in the very gaols, and in many cases desire to go to prison. Where this is not the case, the beat down wages by the low rate at which they offer to work."

This wretched system must extend still farther. Whilst I am confident that I can appeal to the generosity of England to compel Parliament to adopt sounder and wiser legislation, I can appeal as confidently to your self-interest. I tell the manufacturers that they are losing their nearest market, by the wretchedness of 8,000,000 who might be profitable customers.

I tell the consumers in this country that they are losing their surest and most independent supply of food. All share in this general calamity.

When I consider how few Members have condescended to attend on the second reading of this important Bill, I am bound to justify my present intrusion upon your Lordships' time and attention.

My justification for having detained your Lordships so long is a conviction, that upon the present question depends the very salvation of Ireland—not merely in relation to the cultivation of its broad lands—not merely with regard to the interests of the proprietors—not merely in relation to its economical condition, but in relation to what is superior to all—the moral state of the people. Had there been even fewer of your Lordships present—had I been compelled to stand alone on the present occasion, on this latter ground alone I should still have felt it my duty to express my sentiments as I have done. As the present is the last, so I consider it the very worst, of the series of measures proposed for the adoption of the Legislature.

I now give notice, that in Committee I shall move the omission of the clauses establishing a maximum and a rate in aid, and also the clauses authorising proceedings in the superior courts of law. I shall likewise suggest clauses to encourage emigration, to secure a due audit of accounts, to check subletting, and to provide for the appointment of an assistant resident guardian.

On Question, resolved in the *Affirmative.*

Bill read 2^a accordingly, and committed to a Committee of the whole House on Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 13, 1849.

MINUTES.] PUBLIC BILLS.—2^o Judgments (Ireland); Administration of Justice (Vancouver's Island).

Reported.—Estates Leasing (Ireland); Judgments (Ireland); Inland Posts (Colonies); House of Commons Offices; Petty Bag, &c. Offices Amendment; Commons Inclosure (No. 2); Lunatic Asylums (Ireland); Labouring Poor Act Amendment (Ireland); Land Improvement Amendment Act (Ireland).

3^o Poor Relief (Cities and Boroughs); Bribery at Elections.

PETITIONS PRESENTED. By Lord Dudley Stuart, from St. Pancras, for Universal Suffrage; also for Regulating the Hours of Labour in the Baking Trade.—By Mr. Brotherton, from Finsbury, for a Better Observance of the Lord's Day.—By Mr. George Dundas, from Kirkliston, against, and by Mr. Stuart Wortley, from Stourbridge, in favour of, the Marriages Bill.—By Mr. Milner Gibson, from Manchester, fer Repeal of the Duty on Attorneys' Certificates.—By Mr. Mackinnon, from Portsmouth, for the Prohibition of Interment in Towns.—By Mr. Grogan, from Dublin, for an Alteration of the Newgate Gaol (Dublin) Bill.—By Lord J. Russell, from Dungarvon, for an Alteration of the Poor Law (Ireland).—By Mr. John Stuart, from Newark-upon-Trent, for the Protection of Women Bill.—By Mr. Osborne, from St. Giles in the Fields, for an Alteration of the Sale of Beer Act.—By Mr. Thomas Duncombe, from Finsbury, against the Sale and Manufacture of Bread Bill.—By Mr. Evelyn Denison, from Nottingham, for the Scientific Societies Bill.—By Mr. John Neeld, from Swindon, for an Alteration of the Small Debts Act.

ESTATES LEASING (IRELAND) BILL.

The House went into Committee on this Bill, when Clauses from 2 to 8 were agreed to.

On Clause 9,

MR. SADLEIR inquired whether Trinity College, Dublin, would be empowered to grant leases under the Bill? There was nothing more objectionable than the college tenure in Ireland, and nothing more disgraceful than the way in which Trinity College had managed their estates during the last 100 years. When their land came out of lease, the authorities of the college took pains to secure and select from any part of the country some party willing to occupy the position of middleman. Cases had come within his personal knowledge where the college had rejected the proposals made to them by their occupying tenants and the persons actually cultivating the land, and had selected middlemen who offered rents much under those which the occupying tenants proposed to pay, the middlemen in these cases enjoying a profit after the payment of the rent.

The SOLICITOR GENERAL said, the Bill would not apply either to Trinity College or any other corporation, but simply to occupiers. If, however, a clause were proposed calculated to improve the management of estates by colleges he would not object to it.

Mr. NAPIER represented the inconvenience of seizing the present occasion to make a complaint against Trinity College respecting the management of their estates. If the hon. Member for Carlow would select some specific instance, at a suitable time, he would meet the hon. Member upon this charge.

Mr. SADLEIR had made no charge against Trinity College, the authorities of which probably felt compelled to adhere to their present system of estate management.

Clause agreed to.

Mr. HAMILTON proposed a clause, empowering the incumbent of any benefice in Ireland, with the consent of his archbishop or bishop, to devise or lease any part of his glebe lands, not being less than ten acres, and not being immediately appertaining to and used in connexion with a glebe-house, for any term not exceeding twenty-one years, to take effect in possession, and not in reversion, and without fine.

The **SOLICITOR GENERAL** stated, that it was not his intention to have legislated on this subject, but as the clause was proposed by the hon. Member for Dublin University, he would not oppose it.

Sir R. FERGUSON said, that a provision should have been introduced against subletting.

Mr. HAMILTON said, the lease could be made only to a person in occupation; and in the form prescribed in the Act to which reference had been made in the clause, there was a provision against subletting; and if the Solicitor General introduced any general provision against subletting, it would, of course, apply to church lands. The clause was then brought up and agreed to.

The other clauses were then gone through, and the House resumed.

Committee reported progress.

JUDGMENTS (IRELAND) BILL.

Order for the Second Reading read.

The **SOLICITOR GENERAL** moved the Second Reading of this Bill, which was a measure in furtherance of the objects contemplated in the Incumbered Estates Bill. It would be an imperfect course to free estates from their incumbrances unless you prevented, as nearly as possible, the recurrence of such incumbrances, and this was the purpose of the present Bill, the scheme of which was threefold: the first object was to prevent the assignability of judgments in future; the second to effect by means of the Bill judgments henceforward from becoming a charge upon the land, except in cases where the land should be in the hands of the sheriff; and the third object he hoped to attain was to prevent receivers from being appointed over estates by the holders of judgments under a certain amount. With respect to the first provision of the Bill, he might allege as a reason for assenting to it the fact that judgments of 100 years' date were at present in force against landholders, and these judgments under the present system constituted vested rights over the rentals, to the prejudice of persons actually in possession of the land. So that, when the possessor wished to sell his estate to pay off the incumbrances, it was not only necessary to hunt out all those who had any collateral right of heirship to the property, but also all the holders of judgments; and the expense of doing this, which was enormous, fell wholly on the landowner, besides which, the difficulty attending the search for claimants operated as a bar to a transfer of the land, and prevented its sale. The Bill was not intended to deal with existing judgments; all it was intended to effect was to prevent a recurrence of the evils at present existing in Ireland, and to prevent in future judgments from being assigned after a stated period. In short, the object of the Bill was to assimilate land in Ireland to stock, and to create difficulties in the way of henceforward incumbering landed estates in Ireland. The hon. Member for Middlesex had, with the consent and approval of the Government, moved for the appointment of a Select Committee, for the purpose of inquiring into the system of appointing receivers to estates in Ireland. He (the Solicitor General) had postponed the introduction of the present measure until the Committee had reported, and now that the highly interesting and valuable report made by the Committee was on the table of the House, he had taken the earliest opportunity of bringing forward the measure which he had framed for the purpose of remedying the existing evils. The Committee differed from him in some respects. He had wished to put an end to the whole system of borrowing money on judgments in Ireland, as whilst it existed he thought it was impossible for the cultivation of the land to be in a thriving condition. The Committee had thought it dangerous to put a sudden end to the system of borrowing money on the security of warrants of attorney secured on the land; and as he was not so well acquainted with the working of the system as the hon. Members on the Committee necessarily were, he had felt disposed to bow to their decision; and thinking it of the utmost importance that the Bill should pass during the present Session, he had consented to limit the operation of the measure to judgments not exceeding 100*l.*, as was suggested by the Committee, thinking it likely that at some future period the necessity would be seen for putting a total stop to the practice of raising money by means of judgments on the security of land, as well in Ireland as in England, for he was well satisfied that considerable evils had arisen under the Judgment Act recently passed for England. He had felt the importance of not alarming the people of Ireland as to matters of this description, and had therefore modified his own views. He had had the advantage on these points of the advice and opinion of the hon. and learned Member for the University of Dublin, whose candour and intelligence he felt it to be his duty to state had raised him to a most advantageous position in that House, and he had given way to that hon. Gentleman in a manner which he had not originally intended or contemplated doing. He was happy to say that the Committee were unanimously of opinion that the system of assignable judgments should not any longer be permitted to continue, and this was a very important feature of the present Bill. With respect to the receivers he intended to confine the operation of the Bill to judgment debts not less than 150*l.* in amount, and no judgment should henceforward be deemed a charge upon the land, unless the land was in the hands of the sheriff. But as it was possible, in contemplation of the effects of the Bill, that there might be a general rush for entering up judgment at the opening of the next term in Dublin, he should restrict the operation of all judgments to those which were already completed previous to the passing of the Bill. Now, with respect to the receiverships over land in Ireland he felt it necessary to observe that the rentals thus collected amounted to 2,000,000*l.* per annum there, whilst by a return which he had obtained of the amount passing through receivers' hands in England, as well of leasehold as of real property, he found, as nearly as could be stated, that it was 58,581*l.*; so that if this return was a correct one, the amount of property passing through the hands of Chancery receivers in England was one-fourth only of that so received in Ireland; whereas the rental of England was about some five times as great as that of Ireland. The present Bill had necessarily been delayed until the Incumbered Estates Bill stood in a position where it was likely to become law; for he had considered that, inasmuch as that Bill proposed to give an immediate and stringent remedy to the holders of judgment debts, and of other claims against landed proprietors in Ireland, it was necessary that some restraint should be put upon that class of creditors, to prevent them proceeding harshly and cruelly against their debtors. If the House should agree in the views he had stated, he proposed to have the Bill read a second time, and then, at the earliest opportunity, to go into Committee *pro formâ* on it for the purpose of introducing the amendments which he had framed in accordance with the views of the Committee; and then, having done so, he would pass it through Committee in the usual form, and send it to the Upper House as soon as possible. He begged, therefore, to move that the Bill be read a second time.

MR. NAPIER said, he did not rise to offer any opposition to the course proposed to be taken by the hon. and learned Solicitor General, but rather to express his approbation of the candid manner in which he had explained his views, and the consideration he had shown towards the recommendations of the Committee. But as the subject was an extremely important one, as well as difficult to deal with, and bore much upon property in Ireland, he wished briefly to explain to the House the grounds upon which the Committee had come to the conclusions at which they had arrived, and which he believed if acted on with firmness and fairness, would attain all the objects which the Government proposed to accomplish. There could be no doubt that, inasmuch as recent events had forced the Legislature to contemplate a rearrangement of the present system of property in Ireland, they should take care to prevent, as much as legislation could do it, a recurrence of those evils which unhappily recent events in Ireland had shown them to be in existence; neither ought they to confirm any law which had mainly contributed to such a state of things. Considering the peculiar circumstances of the Irish people, and looking at the temptation which the assignability of judgments held out to an improvident raising of money, he had come to the conclusion that it would be a wise course to repeal the law which permitted such a practice, and thereby endeavour to put the state of things in Ireland on a more just and safe footing. The Bill of the learned Solicitor General was one for qualifying the rights of judgment creditors. It was right in framing such a measure as that to distinguish between two classes of creditors. There was one class to be considered in the light of the money lenders—and the other the creditors who had obtained judgments on a fair *bonâ fide* demand. Now, in legislating upon that matter, he maintained they ought not to go one step beyond what was necessary for the public exigency. Both classes of judgments were assignable, that of the *bonâ fide* creditor, and that of the money lender on a warrant of attorney, and it was necessary to bear in mind the distinction between them. For his own part, he considered that it was a matter contrary to all sound public policy to allow a security like a judgment to be made the means of raising money. Sir Edward Sugden, however, was of a different opinion, and did not consider it wrong to do so. The present Master of the Rolls in Ireland, however, had stated to the Committee, that, looking at the present state of society in Ireland, he thought it a matter of political and public importance to make judgments a very doubtful security for raising money, and considered that their assignability ought to be got rid of. Sir Edward Sugden, indeed, thought it would be an unwise thing to make so great a change at once, but recommended as a first step to limit the amount of judgments under which receivers could be appointed to 150*l.* The Committee, however, had been unanimous in the conclusion to which they had come on this one point—namely, that assignability of judgments ought not to be allowed. In any legislation of that description, they should always endeavour to enlist on their side the good sense and right feeling of the country with which they proposed to deal. In his opinion they were clearly bound to qualify the rights of judgment creditors, if those rights should be found to operate injuriously to the best interests of society. The hon. and learned Gentleman then quoted the evidence of the Master of the Rolls in Ireland, and other legal authorities, for the purpose of showing the evils which resulted from the present system of assigning judgments; and afterwards proceeded to say, that he believed that measure would operate very beneficially when taken in conjunction with an improvement in the system of receivers, and a simplification of the proceedings in the Court of Chancery itself. He thought, that after having accomplished such changes, and after having effected a consolidation and a simplification of the laws which regulated the relations between landlords and tenants, the Legislature would have done all that it could do to improve the social condition of Ireland; and the country might then, he believed, be left to itself. He readily admitted that they ought to legislate for the protection of the rights of *bonâ fide* judgment creditors, and that they ought to give those creditors the same rights against property in Ireland which were possessed by the same class in England. But he also thought that they ought not to legislate exclusively with a view to the interests of capitalists, who might be disposed to purchase lands in Ireland. Before he sat down, he felt bound to express his acknowledgments to the learned Solicitor General, for the kindness with which he had received every suggestion he (Mr. Napier) had made to him; and he should farther say, that he would at all times be ready to give every assistance in his power towards ensuring the success of any measure which he could think calculated to promote the improvement of that country. He confessed, that, if they were all cordially and frankly to unite for that purpose, he should not despair of seeing Ireland raised to a state of real and permanent prosperity. That great and remedial visitation—for such he should call it, in spite of all the calamities with which it had been accompanied—that visitation with which they had of late years had to contend, might then, he believed, be made an instrument for effecting the regeneration of Ireland, and elevating her to the rank to which he was sure it was the wish of every Member of that House—whether Englishman or Irishman—that she should attain; and thus might they see the strength of the united kingdom and the general prosperity of the empire largely increased.

Mr. SADLEIR said, he should only aim at making a few cursory remarks upon this Bill. He agreed in the general principles laid down by the Solicitor General, but regretted that those principles were not reflected in the Bill itself. He admitted that the Bill prepared by the Master of the Rolls in Ireland would diminish greatly the delay and expenditure incidental to the prosecution of creditor suits, and he felt that some such practical measure was loudly called for. With regard to the suggestions of his hon. and learned Friend, as to the simplification of the proceedings of the Court of Chancery, he thought that unless some speedy and proper alterations were made, it would be impossible to afford any permanent relief to the immense amount of business which now lay before the court. The Incumbered Estates Bill, now in progress, was, he must admit, a step in the right direction. As the Bill stood, it certainly did not go to realise the objects stated to-day by the Solicitor General. The power of assigning judgments had existed in Ireland for more than a century. The real evil of a judgment as a security for money was, not only that it attached as a lien to the particular property, but that it overrode all the real and personal property possessed by the borrower at the time he confessed the judgment. It also affected the property which the borrower might afterwards acquire. It was idle to talk of increasing the facilities for the sale of land in Ireland, unless at the same time they conferred upon the lender of money on landed security in that country the fullest possible remedy for recovering his money. This seemed to be a retrograde movement in the wrong direction. By the operation of this Bill, the owner of the land confessed his judgment was hemmed in between two evils, in the shape of the Incumbered Estates Bill, and the Judgment Security Bill. If he wanted to sell the estate, the Incumbered Estates Bill would operate to prevent him; and if, on the other hand, he wished to dispose of the judgment, the Judgment Security Bill would not permit of his doing so, though a capitalist were at hand ready to advance the money. He thought it most desirable that a judgment-creditor should not have power of appointing a Chancery receiver over an estate. With reference to that part of the Bill which went to revive the vicious system of *elegits*, he thought that system was quite as objectionable as the custodien system. Had the Solicitor General thought of the immense sea of litigation which would arise from the complex system of *elegits* which he sought to revive? He thought the Government should not submit to the House measures of this isolated and puny character, but others of a massive and general nature with respect to real property. For instance, it was impossible to do any thing in Ireland without a system of registration of births, deaths, and marriages, many of the evils in respect of real property arising out of this defect. The facilities that existed in Scotland for the transfer of real property was the secret of the success of that country in this respect.

Sir J. GRAHAM had been anxious to offer some observations to the House on a measure which, in connexion with the Incumbered Estates Bill, appeared to be of vital importance to the circumstances of Ireland; but time now forbad; and as he believed there was no difference of opinion as to the second reading of the Bill, he suggested that that stage should now be taken without further delay, in order to allow the Solicitor General to pass the Bill through Committee *pro formâ*. When the Bill was recommitted, there would be an opportunity of discussing all the details of the question, and hon. Members would then have an opportunity of reading the report of that Committee on which he had had the honour of serving—a report which was not voluminous but specific, and contained a well-reasoned argumentation; also the important evidence of Sir E. Sugden and the Master of the Rolls in Ireland. Before he sat down he would inquire whether the Solicitor General, in fixing the limit of 150*l.* as the lowest amount of debt justifying the appointment of a receiver, was prepared or not to adopt the recommendation of the Committee, that in all cases above that limit, where a creditor should petition the court for a receiver, the period of at least one year should be given from the date of the judgment before the appointment of a receiver? He agreed with the learned Solicitor General that the present Bill must be taken in conjunction with the important measure relating to incumbered estates, and he suggested that the House should have the opportunity of discussing an important alteration made by the Lords in the latter measure, and, if possible, coming to an agreement with the Lords upon that Amendment, before considering the present Bill in its amended state.

Bill read a Second Time, and passed through Committee *pro formâ*.

FISCAL RELATIONS BETWEEN GREAT BRITAIN AND IRELAND.

On the Motion that the House do

resolve itself into a Committee of Supply,

Mr. J. O'CONNELL rose to move, pursuant to notice, for a Committee to inquire into the fiscal relations between Great Britain and Ireland. One good effect of the appointment of the Committee would be, that it would be proved that Ireland had been unduly taxed. It would be proved, also, that the fact of the Irish standard of taxation being lower than in England, was not the result of any merciful consideration for Ireland, but was owing to the experience of English statesmen, who found that increased taxation in Ireland would not increase the revenue, but would diminish the amount contributed to the imperial exchequer. The appointment of the Committee would further tend to show that this country had not been lavish in her grants to Ireland. If a Committee was appointed, it could only sit for a short time at that period of the Session; but it was not his fault that his Motion had been delayed for such a long period; but if it only met for one week, they would be enabled to see what documents should be called for, which could be considered during the recess, and another Committee be appointed at the commencement of next Session. If his Motion was agreed to, he should be able to show that if they took the gross revenue of the two countries at 56,000,000*l.*, the excess of taxation paid by Great Britain was not more than 13,000,000*l.* If from this amount they deducted the 5,000,000*l.* paid for income tax in this country, the excess would not be more than 8,000,000*l.* Taking this 13,000,000*l.* from the gross revenue, there remained 43,000,000*l.*, to which both countries contributed in equal proportions — that was, that England paid 38,200,000*l.*, and Ireland 4,810,000*l.*, or in the proportion of one to eight. He could not bring forward a more striking proof than this, that Ireland was subject to one-eighth of the general taxation of the empire. If, however, Ireland was placed on the same footing as England, as regarded the development of her natural resources, she would be entitled to 10,000,000*l.* or 12,000,000*l.* for her share. This showed what a strong interest England had to raise the condition of Ireland. He would here ask two questions—the first was, whether Ireland was rightfully or not exempted from the excepted taxes paid in this country to the amount of 13,000,000*l.*; and, secondly, whether she was so exempted from any merciful disposition on the part of this country, or because no more could be got from her? In answer to the first of these questions, he would say, that, after due consideration, Ireland was exempted from the payment of them by the Act of Union; and his answer to the second question was, that such exemption did not take place from any merciful feeling on the part of this country. He would not go into the question of local taxation in Ireland, as he believed other Members would do so. He might observe, however, that on this subject a very striking protest had recently been placed on the Journals of the House of Lords, to which the name of the Earl of Rosse was affixed. This document strongly pointed out the injustice of the present system. At the time of the Union, the public debt of England was so much larger than that of Ireland, that it was distinctly declared that it would be utterly monstrous to make Ireland responsible for the whole of the debt of England, so that some arrangement must be made. At the time of the Union with Scotland a sum of money had been voted to that nation for any loss that might arise from the junction of the exchequers of the two countries. The amount was 300,000*l.*, which was a large sum in those days in a poor country like Scotland, although it might not be regarded so now. It was found, however, that compensation could not be given to Ireland at the time of the Union, as the difference in the amount of the debts of the two countries was so great. According to a Parliamentary paper which he held in his hand, the amount of the debt of Great Britain on the 5th of January, 1801, which was the period of the Union, was 450,505,000*l.*, while the annual charge for the debt was 17,720,000*l.* At the same period the amount of the debt of Ireland was 28,550,000*l.*, the interest on which was 1,244,500. The consequence was, that the separation of the debts continued for several years, A calculation was then made as to the charges which should be made in each country for the common expenses of the empire; and the basis then taken had since been admitted to have been unjust to Ireland. At the time of the Union it was considered proper that the expenditure of the country should be divided into seventeen parts, and of this amount Ireland was to contribute two parts, and England fifteen parts. It was provided by the seventh article of the Act of Union that the exchequers of the two countries should not be consolidated until either of two contingencies arose: the first was, that the two debts should be paid off, which condition he had hardly need state had never occurred; and the second was, when the proportionate difference between the taxation of the two countries should be at the rate of two to fifteen. There was also another condition, which was of an accumulative character, and which was as binding and as stringent as the others. It was, that the respective circumstances of the two countries became such that they would be able to contribute equally to the common taxes. The arrangement at the Union, instead of increasing the prosperity of Ireland, had tended much to the impoverishment of that country. It should not be forgotten that 3,000,000*l.* had been expended in bribery to promote the Union, and to induce the Irish Parliament to sell the country, and to give compensation to the proprietors of the rotten boroughs. This charge also was forced on Ireland, and thus again was her debt forced up. Again, in the report of the Finance Committee of 1815, he found the following statement:—

> " For several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, including the extraordinary and war taxes, the permanent revenue of Great Britain having increased from the year 1801 in the proportion of 16½ to 10 ; the whole revenue of Great Britain, including war taxes, as 21¼ to 10 ; and the revenue of Ireland in the proportion of 23 to 10. But in the twenty-four years referred to your Committee, the increase of Irish revenue has been in the proportion of 46¾ to 10.

In the debate also on the consolidation of the Exchequers in 1816, Mr. Vesey Fitzgerald, the then Irish Chancellor of the Exchequer, referred to this declaration, and said—

> " You contracted with Ireland for an expenditure she could not meet, your own share of which you could not meet but by sacrifices unexampled —by exertions the tension of which only England could have borne. Ireland has been led to hope her expenditure would have been less than before she was united with you. In the fifteen years preceding the Union, it amounted to 41,000,000*l.*; but in the fifteen years of Union, it swelled to the enormous amount of 148,000,000*l.* The increase of her revenue would have more than discharged, without the aid of loans, an expenditure greater than that of the fifteen years which preceded 1801. Your own Committee have shown you what an advance in permanent taxation Ireland has made."

The Marquess of Lansdowne, also, in a speech on the state of Ireland in 1822, complained that the increase of the Irish taxation since the Union was so excessive as to destroy revenue. He said that—

> " In 1807 the revenue amounted to 4,378,241*l.*; that between that year and 1815, new taxes were imposed from which an additional income of 3,376,000*l.* was anticipated, but that the result was an absolute diminution of income, the revenue in 1821 having been 533,000*l.* under its amount in 1807."

He would also quote an extract from a speech of Lord Sydenham, then Mr. Poulett Thompson, delivered on the 20th of March, 1830, when he moved for a Select Committee to inquire into the expediency of making a revision of the taxes, and then took occasion to refer to Ireland as furnishing the most remarkable instance in history of the effects upon revenue produced by excessive taxation. He said—

> " A case is established in the instance of Ireland, which is written in characters too legible not to serve as a guide to future financiers—one which ought to bring shame upon the memory of its authors."

He then stated the facts as to the decrease of the revenue between 1817 and 1821, mentioned by the Marquess of Lansdowne :—

> " Here is an example to prove that an increase of taxation does not tend to produce a corresponding increase of revenue ; but, on the contrary, an actual diminution."

He believed also the right hon. Gentleman the Member for the University of Cambridge, the late Chancellor of the Exchequer, stated in the course of a debate in 1822, that the proportion of two to fifteen as the contribution of the two countries to the public expenditure, was admitted on all hands to be unjust. The pretence for the consolidation of the two Exchequers, was to relieve Ireland from the burden of the debt. Now, how did the debts of the two countries stand on the 5th of January, 1817? The English debt had increased from 450,050,000*l.* in 1801, to 734,522,100*l.* at the commencement of 1817, the interest on which was 28,238,400*l.* The Irish debt had increased from 28,550,000*l.* in 1801, to 112,704,800*l.* in 1817, the interest on which was 4,104,500*l.* Thus the increase on the charge of the British debt between January, 1801, and January, 1817, was 60 per cent; while the increase on the charge of the Irish debt in the same sixteen years was not less than 230 per cent. What had been the effects of the consolidation which took place? He thought it was perfectly clear, if nothing of the kind had taken place, it would have been for the advantage of Ireland. At the time of the consolidation, the Chancellor of the Exchequer had been obliged to take off the income and some other taxes, which together produced 17,000,000*l*, and then he determined to have Ireland at his mercy, to see whether he could not make up the deficiency by putting the screw on that country. By the proceedings then taken, Ireland had been made liable for every farthing of the English debt. The projectors of this Act stated that such an amount of debt had been thrown on Ireland that she could not continue to pay it; therefore they nominally took off the debt from that country. As it was, instead of having to pay only 2-17ths towards the charge for the expenditure of the country, Ireland had to contribute one-seventh, or 2-14ths. After quoting some further details in illustration of the disproportionate and unjust amount of the general taxation which he alleged was borne by Ireland, the hon. and learned Gentleman alleged that, speaking generally, the ability of Ireland to pay was as one to nine, but that, whenever it could be got, she was made to pay as one to seven. There was a vast amount of uncredited taxation paid by Ireland. For example, there was upwards of 60,000*l*. Crown rents, for which she got no credit whatever. Then there were the duties paid in Ireland on manufactured articles coming through England, but for Irish consumption: all these were credited to the English revenue, although it was the consumer who actually paid the duties. The customs thus paid had been estimated by Sir Henry Parnell at 350,000*l*. a year. If Members would look at the tables of the receipts of the revenue of the two countries from customs articles, they would observe the ridiculously small sums which were put down to the credit of Ireland upon articles which must obviously be of very large consumption, such as oils and silks. Some of these items were credited as low as 5*l*., 2*l*., and in one case 1*l*. 10*s*. What the meaning of this was, or why it was so put, he knew not; but the great bulk of the articles consumed in Ireland paid the duty in England on passing through; and, therefore, on a large proportion of the customable and excisable articles thus paying duty in England, Ireland got no credit for this amount of taxation. Ireland paid more than her fiscal abilities warranted. The excess of the debt charge of England over that of Ireland was more than fifteen millions; and in this respect the conditions of the Union had been violated; for by an unjust consolidation England was only paying thirteen millions, instead of between fifteen and sixteen millions. It was said that when there had been a deficit in the accounts of the two countries, England had paid it. That might be true; but how had she paid it?—out of the surplus of proceeds common to both countries. This was the injustice of associating in partnership a rich man and a poor man, and making the latter liable for the expenditure of the former. The hon. and learned Gentleman then quoted further extracts from the Parliamentary returns and reports of Committees on finance and taxation to show that the burdens of Ireland had been unduly increased by her disproportionate liability to taxes, which should have been supplied by a separate taxation, and that since the Union she had been made unjustly liable to sixty-four millions of money which England ought to have defrayed by separate taxation. The hon. and learned Gentleman then urged that this injustice might be repaired by taking off the stamp duties, and the remission of other imposts which would not involve those commercial difficulties which would arise if the customable and excisable duties were different in the two countries. He then compared the remission of taxation which had taken place in England and Ireland, arguing that the result was anything but favourable to the latter country. From 1814 to 1846 inclusive, Great Britain had been relieved from 51,236,420*l*. of taxation, while, in the same period, the taxation remitted in Ireland was only 2,903,995*l*. The hon. and learned Gentleman then went through some further details of the kind, and then alluded to absenteeism as the bane of Ireland. Absenteeism was sapping the vitality of the country. Not alone did it cause the cattle and goods to go out from Ireland, but even the money they brought was not returned to that country, or if it was it quickly went out again in the payment of absentee rent. He concluded by recommending the state of Ireland to that deep and anxious consideration which every statesman must feel that the safety of the empire rendered it incumbent upon him to bestow upon so momentous a question. It would be well that the leading parties and leading men in the House should consider the subject during the recess, for the exigencies of

Ireland could not be postponed much longer. There could be no greater mistake than to grind down with the screw of taxation an already impoverished country; but if they would allow the resources of Ireland to grow, she could better bear taxation. If they would grant the Committee for which he now moved, much useful and valuable information might even now be obtained for consideration during the recess.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "a Select Committee be appointed to inquire into the fiscal relations between Great Britain and Ireland," instead thereof.

The CHANCELLOR OF THE EXCHEQUER said, he did not intend to follow the hon. and learned Gentleman through the long details of figures which he had gone through; but he assured the hon. and learned Gentleman that whatever returns upon this subject might be desired, he should have great pleasure in acceding to; and it was by returns that the points could be most advantageously laid before the House. But although he could not accede to the Committee which the hon. and learned Gentleman had moved for, he should yet make a few observations in reply to the statements which he had made. Whatever Ireland might contribute to the general revenue of the empire, so far as regarded the injustice of which the hon. and learned Gentleman had been complaining, his statements were not borne out by the facts of the case. Without any Committee on the subject, the various returns which already lay upon their table were sufficient to show that since the time of the Union downwards, the expenditure of Ireland had never been met by her income, not even with the additions which the hon. and learned Gentleman had taken credit for on account of the customs received on goods now landed in this country. The hon. and learned Gentleman had talked of the proportion of payments to be made by the two countries, and had quoted figures, which, if he had only looked at the last returns, might have been stated in round numbers at 48,000,000*l*. for England, and 4,000,000*l*. for Ireland; the proportion for the first twenty years after the Union being fixed at 15 to 2. But speaking of the debt, the hon. and learned Gentleman himself had acknowledged that since the Union Ireland had never paid the interest of her own debt; and the returns on the table showed that between 1803 and 1817 her income, so far from equalling her expenditure, was necessarily augmented from the British Exchequer to the amount of 61,700,000*l*., to defray the charges upon the expenditure for Ireland. Even with such deductions as could be fairly made for the customs in this country—and the hon. and learned Gentleman fairly took credit for them—that was yet a large sum. But, again, the hon. and learned Gentleman in taking credit for the receipts which came into this country, did not look at certain charges not one sixpence to which did Ireland contribute either to the military or to the naval expenses incurred for the protection of our colonial trade, or to the general expenses of the country. As for the local charges upon Ireland, he found that during the last two years previous to the distress now prevailing in the country, a charge had been made upon the Consolidated Fund to the amount of 7,000,000*l*. to be laid out for local purposes alone. He would not say more on that occasion. He admitted that the returns were somewhat below the truth in regard to the receipts, and very far below the truth as to the true amount of the expenditure. He could not say that the hon. and learned Gentleman was at all justified in the statements he had made to show that the sister country was unfairly taxed in proportion to England.

MAJOR BLACKALL conceived that the speech of the Chancellor of the Exchequer was an argument for the Committee that had been moved for. That speech showed that a return when moved for was not sufficient, for how were the same returns read in an opposite sense by two hon. Gentlemen? The matter was an important one, and it ought to be set at rest. It was not right that taunts should be thrown out against Ireland on the subject of her taxation. If the Chancellor of the Exchequer stated what was true, Ireland was not fairly taxed. Then if she were not, let the matter be justly settled, and let her bear her fair proportions. Let them, he said, by a fair and full inquiry, put an end to this bandying of words that was constantly going on upon both sides of the House—the Irish insisting that they had paid too much, and the English declaring that they paid too little. The question could be settled by a Committee, and a Committee ought to be granted.

MR. W. FAGAN thought there were good grounds for granting this Committee.

For supposing all the accounts were correct, and that the contribution of Ireland was 5,000,000*l.* a year, he yet believed it could be shown that she paid more than her fair amount of taxation. The principle of the financial union of England and Ireland was, that both countries should contribute to the expenses of the empire according to the ability of the two countries; and the proportion was stated in a speech made by Lord Castlereagh on the subject to be 2-17ths. Admitting that proportion to have been fair for Ireland in 1801, subsequently to that year circumstances occurred which made that amount vastly more than Ireland was able to pay. The question for the Committee would be whether that principle was fair and just. By the returns of the hon. Member for Glasgow, it appeared that the debt of Ireland, in 1817, was 130,561,000*l.*; that in 1801 it was only 27,792,705*l.*; so that she borrowed in the meantime 102,768,295*l.* But if her fair contribution was at the rate 2-17ths, the amount borrowed by her ought to have been not 102,000,000*l.*, but 31,000,000*l.* only. The hon. Gentleman then quoted returns to show that Ireland's payments since 1801 had varied from 1-16th to 1-12th in 1840, and argued that he was justified in saying that was a sufficient contribution from that country. Supposing the exchequers of the two countries had not been consolidated, what would have been the consequence? Since 1817 the general expenditure of the country had been, say 54,000,000*l.*; from which, deducting the interest of the debt, there would remain 24,000,000*l.* to be contributed by both countries. One twelfth of that gave him 2,000,000*l.* as the proportion for Ireland in the general expenses of the Government; add to which the interest on the debt, another 2,000,000*l.*, and the round sum became 4,000,000*l.* or 4,500,000*l.* to be contributed by Ireland. He concluded by expressing his hope that the right hon. Gentleman would accede to the Committee.

Mr. F. FRENCH insisted that the Motion of the hon. Member ought to be acceded to. He was convinced that Ireland in proportion to her means was paying as largely as England. In fairness to England and to Ireland, the Committee ought to be agreed to.

Colonel DUNNE did not see it was for the benefit of Ireland that England had colonies, or that she had such an interest in them as to be called on to pay for them, for the balance of trade with the colonies was against Ireland. If the hon. and learned Gentleman pressed his Motion to a division, he would vote for it; but he hoped the Motion would be now withdrawn, and a Committee moved for early next Session.

Mr. J. O'CONNELL ultimately withdrew the Motion, saying he should bring it forward next Session.

SUPPLY—MISCELLANEOUS ESTIMATES —BRITISH MUSEUM.

Sir R. PEEL rose to move the estimates for the British Museum. He said he should best consult the convenience of the House by at once placing in the hands of the Chairman the vote necessary for this establishment. Every matter connected with the British Museum had been referred to a commission, which had made extensive inquiries, and whose labours were now drawing to a close. Any discussion would therefore take place with much greater advantage when their report was laid on the table, and the opinions of the very eminent persons who were upon that commission were before the House. For these reasons he was of opinion that any discussion with regard to the British Museum had better be postponed until next year.

The vote of 42,915*l.* to defray the charges of the British Museum was then read by the Chairman.

Mr. HUME thought it perfectly right to postpone any discussion, as the commission were still busy about their report. He was gratified to find that the number of visitors seemed to increase; and when greater facilities were afforded for the use of the reading-room by the public, the institution would effect a much greater amount of good. He entirely concurred in the vote, and he only wished to see the liberal sums now given by Parliament towards the Museum properly appropriated. He wished to make a remark respecting the National Gallery, and to express his anxiety that the recommendation of the Committee of last year should be carried out, with respect to providing accommodation for the munificent collection of Mr. Vernon. He thought that, as the Royal Academy were only accommodated in their present apartments in the National Gallery until the rooms should be wanted for the public, it was of considerable importance that space should be obtained for Mr. Vernon's collection in the rooms now occupied by the Royal Academy. It was notorious, and from accounts that he received from all parts of the country he was convinced, that if the space at the disposal of the trustees for the reception of pictures were increased, donations of valuable pictures and collections would soon be made, which would even more than fill the present building. It was, therefore, highly desirable that Mr. Vernon's collection should be placed in the situation to which it was entitled by its excellence. He did not think that the present situation of these pictures was open to all the complaint that had been made ; but there were people who thought that a better sense of the value of Mr. Vernon's collection ought to have been shown by making better accommodation for its reception. The right hon. Baronet the Member for Tamworth, as a trustee of the National Gallery, must be aware that the trustees were frequently compelled to decline the acceptance of valuable pictures, in consequence of the limited space at their disposal in the present building. The noble Lord at the head of the Government appeared to be of opinion that the Royal Academy had a right to their present rooms in the National Gallery; but he would find, upon inquiry, that the understanding was, that they were only to be admitted to the use of those apartments until the public accommodation required this further space. Three years ago, he wanted to know the means of the Royal Academy, but he lost his Motion by four or five votes only. He was now told that there was 100,000*l.* belonging to the Royal Academy ; that would enable them to build an edifice suited to their purpose. [An. Hon. Member : It is not their own.] But it was received from the charges made for admission to their annual exhibition, and that money might be devoted to building an edifice of their own. He protested against the House being called upon to vote money for finding accommodation for the Royal Academy, when that body had the means of obtaining a building for themselves. The Government ought to have paid more attention to the report of the Committee of last Session, which recommended that the Royal Academy should be removed from the National Gallery, and that additional provision should be made for the reception of pictures belonging to the public. He would suggest that the Royal Academy might go back to Somerset-house, on the west side of which they might find a very proper situation. He had no objection whatever to make to the present vote, of which, on the contrary, he highly approved.

Lord J. RUSSELL said, the subjects to which the hon. Member for Montrose had adverted connected with the Royal Academy, and the providing better accommodation for the pictures of the late Mr. Vernon, had not been lost sight of by the Government. He had himself proposed the appointment of the Committee last year, and, although he was not able to make any proposal for the present Session, he hoped next Session to be able to state an arrangement that might be satisfactory.

Mr. W. J. FOX believed that, taking into account the increase of population, and the additional facilities of communication with the metropolis, the ratio of visitors to the British Museum had not increased. But, looking to the higher purposes of literature and art connected with the institution, the attendance at the reading-room, the print-room, and the sculpture-room, had been regularly decreasing for several years, until the decrease had become very considerable. He would not pretend to say from what cause this arose, but he thought the question should have been mooted, had the House not received an intimation that the commission had concluded its labours, and that their report would shortly be printed. He had heard several complaints that the commission had not been so accessible as it ought to have been, and that there were literary men deeply interested who would have been able to offer valuable suggestions respecting the institution, but who had had no opportunity of stating their views to the commission. The British Museum was a most useful institution, but he believed its utility was capable of very large extension.

Mr. EWART said, the Committee now sitting on the subject of public libraries had agreed on two points. First, that the 52,000 duplicate volumes in the British Museum ought to go to form lending libraries ; and, secondly, that the reading-rooms should be open in the evening for the admission of many studious persons who were at present excluded. He confirmed the hon. Gentleman the Member for Montrose in the fact that when the Royal Academy removed from Somerset-house to Trafalgar-square, the Chancellor of the Exchequer distinctly stated, in answer to a question, that they were to occupy the building only until it was required by the public.

Sir R. PEEL said, he was sorry to hear it stated by the hon. Member for Oldham, that the number of persons visiting the British Museum had declined, and that there was not a disposition on the part of the public to avail themselves of the advantages which the collections at the Museum afforded. He confessed that he had reached a different conclusion. He considered the hon. Member to be quite under a mistake when he supposed that there was not a growing disposition on the part of the public to avail themselves of all advantages of that class; and as to the aggregate number of visitors, there could be no doubt that they had of late very much increased. The number, for example, who went to inspect the works of art and relics of antiquity at the Museum had very much increased during the last five or six years. Thus, in the year 1843 the numbers were 517,000, while in 1848 the numbers were 867,000, showing, as the House would see, a very manifest increase. Again, with respect to the print-room, the numbers in 1846 were 4,390, while in 1847 they amounted to 4,572, and in 1848 there was a still greater increase, which raised the number to 5,819. In the face of these facts it still was said that the numbers had recently declined; and, assuming that they had, he might observe, that it never could be very easy in such cases to say why a few less should have examined those works of sculpture or of painting in one year than in another. There certainly had been no impediments thrown in the way of visitors, at the same time that precautions to no inconsiderable extent were found necessary, for very serious losses had been sustained in the medal department, in a case in which there existed every rational ground for placing full confidence in the person at whose hands the Museum had sustained that injury. His great learning, his very pleasing manners, disarmed all suspicion; and, unfortunately, as many as 300 or 400 coins had been abstracted. Still reasonable access was not denied, though it became necessary to provide means of security against depredation; and he wished to impress this upon the mind of the hon. Member opposite, that if there were any falling off in the number of visitors, the change was to be imputed to accident, and not to any impediments created by the officers of that institution, for there could be no doubt that they showed every inclination to minister to that growing disposition which everywhere showed itself in the people of this country to substitute rational enjoyments in the place of those which were of a more sensual and less improving nature—a disposition which had clearly been shown by the returns that were now before the Committee.

Mr. EWART believed the decrease had been principally in the reading-rooms. Seven years ago the numbers there were 71,000, now only 65,000, which was very remarkable.

Mr. HUME was sorry the evidence had not been published which was taken before the Committee last year; if it had, as he had wished it to be, he was sure it would have afforded very satisfactory information to many persons.

The LORD ADVOCATE believed the accommodation in the library and reading-rooms was better than that in any similar institution in any other country.

The grant was then assented to.

A vote was then taken for 112,800*l.* for the Disembodied Militia in Ireland.

On the question for a vote for 119,950*l.* Excess of Army Expenditure,

Mr. HUME hoped, that by the rules recently laid down, they would have no more votes on account of any excess.

Mr. FOX MAULE could not promise that there never should be any excess. There were no rules laid down according to which the estimates could be so constructed as to avoid occasional excess. He feared that many hon. Members were too ready to think that there was every disposition on the part of a Government to get all the votes they could, and to expend as freely as possible; but on the subject of excesses, he wished to call attention to one or two facts. In the year 1841 there was an unappropriated balance carried to the public credit amounting to 119,000*l.* In the year 1842 there was a similar sum similarly applied of 391,000*l.* In 1843 the amount was 173,000*l.*, and, in 1847, 855,000*l.*

Mr. HUME admitted that the public accounts were now more correctly kept than formerly, and he was bound also to admit that his right hon. Friend at the head of the Army Department had given a great deal of time and attention to the subject; and, on the whole, there was no great reason to complain.

Vote agreed to.

On the question that there be granted a sum of 59,900*l.*, being the remaining portion of 109,900*l.*, on account of the works now going forward at the New Houses of Parliament,

The CHANCELLOR OF THE EXCHEQUER stated, that 50,000*l.* had already been granted, and that this vote was only the balance of what was intended to be the vote for the whole year.

MR. HUME feared that there was very little chance of their being able to get into the New Houses of Parliament in the course of the next year, and when they got in he feared they would not find very good accommodation.

The CHANCELLOR OF THE EXCHEQUER said, that no doubt they might very much sooner get into the new House of Commons if they chose to break through contracts, and pay forfeits; but there was no escaping from those contracts without paying the forfeits; and he thought, upon the whole, that it would be the best way to finish the works according to the contracts. No contracts were now entered into without their being submitted to the Treasury.

MR. MUNTZ thought that they had much better make a large grant at once, and get into the New Houses without further delay.

The CHANCELLOR OF THE EXCHEQUER fully expected that the works would, in the course of next year, be sufficiently advanced to enable them to get into the New Houses.

MR. HUME said, that the proposed ventilation was, he feared, bad, and that many faults were to be found with the architecture. The original estimate was 770,000*l.*, and that, at all events, ought to have been a correct estimate, for nine months had been spent in its preparation. Looking, then, at the immense outlay that had been incurred—vast beyond anything that had ever been anticipated—looking at that, he would say that they were bound as regarded Mr. Barry, and not Mr. Barry alone, but any individual so placed—they were bound to take care that he did not carry them too far, for if they were to pay him commission for the great excess that had been committed, they would have to disburse a very large sum of money—it would form a very great difference in the sum that Mr. Barry would have to receive.

MR. SPOONER thought it was advisable to see if they could not increase this vote and finish the work at once. They had already voted no less than 192,766*l.* for temporary arrangements during the building of the New Houses of Parliament; and he had not the slightest hesitation in saying that if any Gentleman would enter into a close inquiry upon the subject, he would find that the postponement of these payments for the New Houses was made at an expense of from 12 to 15 per cent per annum. The right hon. Gentleman the Chancellor of the Exchequer said the other night that trade was reviving, and that prosperity was staring them in the face; and the right hon. Baronet the Member for Tamworth referred them to the quantity of gold in the Bank, and the cheapness of money. Now, if they trusted to that—if they trusted that their prosperity was built upon a sure foundation, that their difficulties were over, and that trade was reviving—why not go into the market at once and borrow enough money to finish the works, and put a stop to these outlays for temporary accommodation? No one could deny that they were carrying on this work in a most wasteful and expensive manner. They were doing it in a way too which inflicted great injustice upon the contractors, and put all the workmen to great and severe inconvenience. By-and-by another claim would come upon them, which, he confessed, he was at a loss to know how they would meet. The contractor would say, that he had entered into his contract, after making the same calculations as he should have made were he doing the work of a private individual; that he had, therefore, laid in a certain stock of materials, which came to 15,000*l.* or 20,000*l.*; that these materials should have been used two or three years ago; but that they still lay by him on account of his being stopped in carrying on the works in the best and most expeditious manner. True, they might answer him when he came to them, and said that he had all his money locked up, and had lost the interest thereon for so long a period: "Oh, yes; but you must carry out the conditions of your contract;" but he (Mr. Spooner) put it upon the broad ground of equity, whether, if the contractor showed that he had done nothing more than what a prudent man should do, any court of equity would refuse to allow him interest for his money. It seemed also that there were two conflicting powers in operation. They had the regular architect and the ventilating architect battling with each other. At all events they did not act cordially together. The contractor complained of the ventilator, and the ventilator of the contractor. But the question was, who would have to pay for this? and he thought it now became the Government to step forward and say, " Gentlemen, one of you must give way. We cannot have two kings reigning at the same time, and we will not permit the continuance of these disputes any longer." On looking at the estimate they would perceive that the sum spent for ventilation was one that required the serious consideration of the House. He knew that it was incompetent for any private Member of the House to move an increased grant; but he trusted that the Chancellor of the Exchequer, with his views of the returning prosperity of the country, would act upon those views, and increase the vote to a sum sufficient for the immediate completion of the works.

Mr. HUME thought that the present question fully deserved the serious attention of the House. The two objects that they had in view were economy and accommodation; and he feared it would be found that the temporary provision made for the use of both Houses would prove as expensive as the estimates for the new buildings, which he at the outset brought under the notice of the House.

The CHANCELLOR of the EXCHEQUER said, he must object altogether to borrowing money for an annual expense. They had resisted loans for building docks, and they certainly ought to resist them for such a purpose as was now proposed. It was to be hoped that in the course of next year they would be able to get into the New Houses, and get rid of all the temporary charges. He should not go into the question respecting prosperity, which the hon. Member for North Warwickshire had raised; but, even assuming that his statements were well founded, he did not think that they afforded any justification for the course which that hon. Gentleman had recommended.

Mr. EWART complained of the Committee-rooms. It was extremely difficult to hear in them; they were badly ventilated, and there was no retiring room for the Committee to consult in. Whenever there was difficulty in the Committee, witnesses and strangers had to be turned out into the lobby, which they blocked up, and created confusion and inconvenience.

Mr. T. GREENE admitted that the Committee-rooms were defective in this respect, and also thought it was very difficult to hear in them. Flock paper had been put upon the walls with a view to facilitate the hearing, and he hoped that by means of a screen it would be greatly improved.

Mr. EWART wished to know on what principle it was proposed to ventilate the House? From all he could learn it appeared to him that the House of Lords was to be ventilated upon the principle of a descending current of air; the House of Commons upon an ascending current, and the Committee-rooms not ventilated at all.

Mr. T. GREENE said, the ventilation of the House of Commons rested with Dr. Reid, that of the House of Lords with Mr. Barry, and that as to that of the Committee-rooms it had not been thought of yet. He hoped, however, all the arrangements respecting the ventilation would be completed before the commencement of the next Session of Parliament.

Sir H. WILLOUGHBY said, that last Session of Parliament he had moved for a return of what sums had been voted, and what had been expended, on the Houses of Parliament. They had now got another step as to what would be the probable cost of the Houses, and it appeared that the amount would be 2,043,000*l.* It was doubtful whether they were at the end of the expenses. He wished to get an answer to the simple question, who were the parties really responsible for this expenditure? It seemed that the hon. Member for Lancaster had no power to regulate the expenditure. If there was any real responsibility in the matter, the Treasury were the parties who should have previously inquired into these matters, and taken some security for the completion of the works within a given amount. He was firmly persuaded that 2,043,000*l.* would not cover the whole cost. There was 497,000*l.* for fittings and furniture. What security had the Chancellor of the Exchequer that more than that sum would not be expended? The question he wished to put to the Chancellor of the Exchequer was, whether he could not appoint some particular department of the Government to have an effective control over the expenses.

The CHANCELLOR of the EXCHEQUER was quite ready to admit that the proceedings connected with the building of the New Houses had not been conducted in a very satisfactory manner. It was a matter with which it had been very difficult to deal in the first instance, because Committees of the two Houses, apart from the Government, had determined upon certain plans which they wished to have carried out, and they had from time to time approved of schemes which increased the expenditure. The original estimate was rather more than 700,000*l.*; but that sum did not include the purchase of ground, or the expense of the foundations; it referred only to the carcass of the building, and no one could suppose that that was an amount for which such an edifice could be completed. Other expenses were incurred at the wish of the Woods and Forests; and a Committee which had sat in 1844, to investigate the expenditure upon objects not included in the original estimate, had reported their opinion that such expenditure was proper and necessary, and that it was not extravagant. He did not think that a sufficient degree of control had been exercised at that time; but a commission had since been appointed to exercise a perpetual check upon the expenditure, and to take care that no new expense was incurred until it had been approved by the Treasury. Certain plans had been approved by the joint Committee of the two Houses, which were to be carried out, and he imagined the commissions would take care that there was no deviation from them; but if any alterations were necessary, involving an additional expenditure, the sanction of the Treasury must be obtained.

Mr. HUME did not understand what had fallen from the Chancellor of the Exchequer. Did he mean to say that the original plan was to be carried out, with the exception of some alterations? Nothing was more distinctly ascertained than the estimate was at first. When Mr. Barry's plan was brought before the Committee, an examination took place. It was found that the estimate was very defective, and the Committee postponed the matter for several months, in order to allow a complete estimate to be made, and it was after the new plan was brought before the Committee that the amount of the estimates was fixed. The right hon. Baronet the Member for Tamworth proposed a resolution that the architect was not to be paid by a per centage, but to be paid by a sum of money. It was left for the Woods and Forests to decide whether it should be 20,000*l.* or 25,000*l.*, and they decided on 25,000*l.* He could not imagine there could be any doubt as to the contract, and that there was to be no claim for any additional sum.

The CHANCELLOR of the EXCHEQUER replied, that considerable expense had been incurred for the purchase of ground, for the alteration of the approaches, and for furniture. The commissioners, however, stated in their report that they would endeavour to exercise the strictest economy, and that they would postpone the completion of such portions of the building as were not immediately required. The estimate laid on the table was the architect's estimate, and had not been sanctioned in a formal way.

Sir H. WILLOUGHBY considered that to be the great misfortune. He understood the fact to be that the commission whose duty it was to look over these matters was under the control of the Treasury, and that the Treasury were the really responsible parties. There was rather an ominous sentence in this estimate. It said, "exclusive of the cost of previous estimates proposed for warming and ventilating the House of Commons." Then there came this doubtful expression, "and all other incidental payments not under the cognisance or control of the architect." These words—"incidental payments"—left a loophole for everything.

Mr. MUNTZ wished to know whether the money they were then voting was to be applied to the completion of that portion of the building which was to be appropriated to the use of the Members of that House?

The CHANCELLOR of the EXCHEQUER stated, that the present vote would be almost entirely expended upon the new House of Commons.

Mr. T. GREENE said, the Committee were anxious that the whole of the funds placed at their disposal should be applied to the completion of the buildings most urgently required, and they were desirous that no further progress should be made with the towers at present; but Mr. Barry had stated in one of his reports, that if they adopted that course they would incur an expenditure of about 50,000*l.* for violation of contracts. He believed that only 12 or 15 feet of the towers remained to be built before the completion of the present contracts, and when they had expired the building of the towers would be entirely suspended, and the whole of the money voted would be applied to complete the House and Committee-rooms.

Mr. DRUMMOND observed, that if any set of Gentlemen who had seen a true drawing of all the details of the new palace imagined that it could be completed for 700,000*l.*, he thought they must have been very incompetent judges of building and architecture. If the 25,000*l.* which it was said Mr. Barry was to receive was to be given to that gentleman upon his estimate for the carcass of the building, well and good; but, as it had been said that unpleasant remarks might be made about an architect who demanded what he considered his just due, he (Mr. Drummond) would ask the House whether they thought no remarks would be made about employers who defrauded that architect of his just due? If an individual employed an architect, he dared not refuse to pay that architect the sum to which he was justly entitled; but this was not the first time that the House had defrauded those whom they had employed. They had defrauded Mr. Brunel in the same manner, for they had contracted to give him half the amount of saving the Government would effect by using his block-machinery, and they had never fulfilled their contract. Was there ever a grosser case of oppression than that committed with regard to the Baron de Bode? The fact was that the House had the power and the purse in their hands; they would not pay; and there were no means of making them pay. He would say, that if they meant to put off Mr. Barry with 25,000*l.*, it was as gross a fraud as was ever committed by any body of men.

MR. HUME begged to remind the hon. Gentleman that the architect had undertaken the work after the Committee had come to a resolution that he should not be paid by a per centage, but that he should receive a fixed sum.

Vote agreed to.

On the vote of 12,000*l.* to purchase the necessary Books, Apparatus, and Instruments required for the use of Professors in the Colleges established in Ireland,

MR. J. O'CONNELL hoped that this vote would be postponed; or if the Ministry were disposed to part with 12,000*l.* just now to Ireland, it would be much better to send it towards relieving the distress that was prevailing there, than for the use of the colleges. Nothing could be more proper than the desire to advance education among all classes of people; but these colleges were to spread a system of education which was most objectionable, on religious grounds, to the Catholic population of Ireland. He had great hopes that if this vote were postponed for the present, between this and next Session an amicable agreement might be come to between the two opposing parties; and therefore he hoped Her Majesty's Ministers would consent to that course. The head of the Roman Catholic Church had twice desired his subordinates in Ireland not to have anything to do with this system of education; and if the Government persisted in it, they would be thrusting it down the throats of the Catholics, which they would be certain to resist. The object only could be to increase the Government patronage in a poor country where that patronage was an unconstitutional attempt, and he objected to it on every ground.

MR. SPOONER said, that upon looking at the Act of Parliament he found 21,000*l.* was to be advanced for carrying out the objects of these colleges, but not more than 7,000*l.* a year, and he wished to know if any of that sum had been advanced?

MR. THORNELY wished to know when they would have a report of the progress that had been made in the erection of the colleges? He trusted that none of the professors would be appointed until the colleges were nearly ready.

The CHANCELLOR OF THE EXCHEQUER said, it was true that 100,000*l.* had been appropriated by Act of Parliament for the building of these colleges, and a sum of 21,000*l.* for their maintenance for three years. The 100,000*l.* had been expended in the building and furnishing of the colleges, which would be ready for opening in October next. The annual expenditure of the 21,000*l.* would not, of course, commence until the colleges were opened. The presidents and vice-presidents of the colleges had already been appointed, but the professors would not be appointed until within a reasonable time of the opening of the establishments. It had, however, been represented to the Government that the whole sum of 100,000*l.* had been expended upon the building and furnishing of the colleges, and that the lectures could not be commenced without a certain amount of books and instruments; and the Government had proposed the present vote in order to supply that want. The 21,000*l.* was applicable only to the annual expenditure, and no portion of it had been issued, with the exception of the salaries of the presidents and vice-presidents of each college, since the time of their appointment. The Government could not apply any portion of the grant of 7,000*l.* a year to the purpose of providing books, as that sum was merely applicable to the annual expenses.

Mr. LAW asked whether this 12,000*l.* was in excess of the 100,000*l.* mentioned in the original Act?

The CHANCELLOR of the EXCHEQUER: Yes, in excess of the sum originally specified.

Mr. PLUMPTRE asked if it were true that Government had received a protest signed by a large portion of the Roman Catholic hierarchy against these colleges; and if so, whether, seeing also that they were objected to by a large portion of the English people, he meant to persist in their establishment?

Lord J. RUSSELL said, that there had been an opinion expressed by a majority of the Roman Catholic bishops, that in order to make these colleges what they considered safe places for the education of Roman Catholic youth, certain securities must be provided, and among the rest, that certain professors should not be appointed, except subject to the veto of the Roman Catholic bishops. That was a proposition to which the Government could not assent. At the same time he must add, that both the former and present Governments gave explanations that satisfied a great number of the bishops that education might go on in the colleges with perfect security to the religious opinions of the Roman Catholic youth. The plan of the colleges was a thing which did not immediately concern the present Government, having been sanctioned by an Act of Parliament previous to their accession to office. What might be the ultimate success of those colleges it was of course impossible for him to say; but he believed that they were now looked upon with favourable eyes by a large majority of the Roman Catholic clergy and laity. Sir R. Kane, a distinguished appointment of the last Government, had informed him that the number of pupils likely to be sent would be much greater than he had in the first instance anticipated. He (Sir R. Kane) had received a vast number of letters from persons anxious to send their sons to the colleges, and who eagerly inquired when they were likely to be opened.

Mr. LAW said, it appeared to him that this sum was in addition to the amount paid already; and he considered it somewhat irregular to propose, as an ordinary estimate, a large sum, which was beyond the express terms of the original contract. The moment it was discovered that the 100,000*l.* would not be sufficient for the buildings and furniture, a Bill should have been introduced to obtain the required addition, for, in his view, the House was not at liberty, under the circumstances, to vote it without notice as an ordinary estimate.

The CHANCELLOR of the EXCHEQUER said, the Government had not felt themselves at liberty to apply any sum obtained under the Act to other purposes than those specified in the Act. They thought it best to come before Parliament and state the case as it stood, for, after all, the amount was only required to carry out *bonâ fide* the intentions of the House when the Act was passed. Parliament intended to establish the colleges: without apparatus and books they could not be opened. He, therefore, thought Parliament might be fairly called upon to carry out its intentions.

Mr. PLUMPTRE asked, who had decided that the sum now applied for would be sufficient for the purposes for which it was destined—the professors or the Government? Unless there was some security that it would be sufficient, Parliament might be called upon year after year for similar grants, and nobody would be able to tell when these applications would stop.

The CHANCELLOR of the EXCHEQUER said, Sir Robert Kane had communicated to the Government his opinion that this sum was necessary, but the vote was not to be an annual vote.

Lord J. RUSSELL added, that he had been informed, that when the colleges were once open, the matriculation fees would be sufficient to supply whatever might be further required.

Mr. HENLEY wished to be informed what security there was against the House being called upon for an annual grant to continue the undertaking in case the colleges should not fill? The noble Lord said the Roman Catholic hierarchy had made certain demands with regard to certain professors and officers, which the late Government could not concede; but explanations had been given by the present Government which had satisfied a considerable portion of that body. It was desirable the House should be put in possession of these explanations, because Parliament had voted money upon the faith and understanding that the colleges were to be common to all parties, without advantages being given to any.

Lord J. RUSSELL said, so far as he could recollect his words, he had not stated that explanations had been given. All the information he had upon the subject was derived from sources which were public, and known to every Member of the House. What he had said with regard to objections was, that the presidents of each college would frame and propose regulations which he thought would satisfy the parents of Roman Catholics, and parents belonging to any other religious community who had doubts or fears as to the education provided in the colleges. There were no particular advantages or special privileges given to Roman Catholics. He did not know whether the regulations had been completed or sanctioned by the Lord Lieutenant, but the general nature of them was that those who wished it might live in the houses of their parents if they resided in the place; if they did not live there, the persons keeping lodgings for students would have licenses, that they were proper persons to keep such private establishments. These establishments would be entirely private, and no portion of the public money would be given to them. Parents of Roman Catholics would send their sons to a Roman Catholic establishment; parents belonging to the Establishment to one attached to the Establishment. Thus there would be every security for religious and moral education without danger of proselytism; and it appeared to him there could be no objection to regulations of this kind.

Mr. HUME expressed his belief that the 100,000*l.* was intended to defray all the expenses of establishing the colleges, including books and apparatus.

The CHANCELLOR of the EXCHEQUER referred to the words of the Act. They were "for the necessary buildings, purchase of land, tenements, and buildings, with the appurtenances, and the furnishing of the same." The question then arose whether books and apparatus were part of "furnishing" or not.

Mr. HUME understood "furnishing" to mean everything suitable to establishing the colleges. He wished further to know, when the presidents and vice-presidents were appointed, at what salary, and from what fund, they were paid?

Lord J. RUSSELL said, the Government had naturally inquired, when the proposal was made to them, in what way the Act had been understood. They were informed by the Board of Works, that the letters which they received directed them to expend the whole of the sum on the buildings, and that as to what was usually called "furnishing," there was no sum applicable to the purpose. Such being the case, it was absolutely necessary that this vote should be proposed in order that the colleges might be commenced. With regard to the next question, he was not quite certain when the presidents and the vice-presidents were appointed; but he knew they had been occupied in making arrangements for the colleges which had required their attention for a considerable time.

Mr. HEYWOOD said, he understood that the colleges of Belfast and Cork gave the greatest possible promise of success. The only doubt he had was with reference to the college at Galway, if the Roman Catholic clergy should be found to persevere in their opposition to it.

Mr. O'FLAHERTY said, that the success of the colleges depended entirely upon the appointment of the professors. If those appointments were judiciously made, he had no doubt of the success of the colleges; but if they were jobbed, and persons appointed merely through Parliamentary or any other interest, they would certainly fail. He could answer one of the questions of the hon. Member for Montrose. The presidents and vice-presidents had been under salary since 1846, and had received two and a half years' salary. He had always thought it very absurd that they should have been under salary so long; but he thought it fair to say, that this was not the fault of the present but of the former Government, by whom the appointments were made. He trusted the Government would listen with attention to the objections which had been urged against these colleges by the Roman Catholic Archbishop of Tuam—if the Government would only see justice and fairness done to all sects, he was convinced that the colleges would be successful, and would be found to be a source of lasting improvement to Ireland.

Mr. J. O'CONNELL mentioned the names of several other Prelates of the Catholic Church who were opposed to the colleges as well as the Archbishop of Tuam.

Dr. POWER said, it was quite true, as had been stated by his hon. Friend the Member for Limerick, that very grave objections were entertained by some of the Roman Catholic bishops to the establishment of these colleges; but he thought that their objections were founded rather on the experience of the past than on any just grounds as regarded the present measure. They saw, that up to a very late period every attempt that had been made to educate the people had been founded upon a sectarian and narrow principle; but, seeing the satisfactory results of the national schools, he thought that the rational inference was, that the Government that had been ancillary to the establishment of these beneficial institutions would conduct the colleges on the same liberal and enlightened principles. The Pope had expressed dissatisfaction at these colleges; but he thought that the Pope's condemnation of them was founded rather on the fears of certain parties in Ireland than on any knowledge he had of the actual state of things. The state of feeling in this country had undergone a very great change with respect to Ireland, and there was now a wide-spread feeling to conduct every thing connected with Ireland on broad and liberal principles, and the old principles of bigotry and Protestant ascendancy were crushed for ever.

Mr. HUME thought it not right that the presidents and vice-presidents of these colleges should have been paid during three years for doing nothing.

Mr. SPOONER objected to the amount originally fixed upon for the establishment and carrying on of these colleges, being exceeded. It appeared, that apart from the sum voted for establishing these colleges, 7,000*l.* a year had been granted since 1845 for carrying them on, which sums, as they had not been brought into operation, had not been expended. Why not take the money for the purpose now stated from the surplus resulting from that grant? He should take the sense of the Committee against the vote.

Lord J. RUSSELL admitted, that a portion of the 7,000*l.* a year granted in 1845 remained over in consequence of the professors not having been appointed; and if that fund could be drawn upon for the purchase of the necessary philosophical apparatus and books, there would be no occasion for this vote. Government, however, considered that grant made for a special purpose, and that they had no power to devote it to any other.

Mr. BANKES said, that though the sum now asked for might appear inconsiderable, the principle involved was worthy of a discussion, because if, after an Act of Parliament had been passed limiting the expense of a certain establishment, the Government of the present day might claim 12,000*l.* additional, what should prevent a future Government making a still greater demand? Those who agreed to the Act in 1845 might have done so because the particular expenditure under it was limited, and at that time money was abundant, and distress not rife. But now distress existed, and money was not abundant, and 12,000*l.* at present might perhaps be as important as 100,000*l.* in 1845. The rejection of the vote would teach those who brought in Money Bills to take care that what they demanded of the House was sufficient for the purpose; and whenever they applied for a further grant, they, whether in power or out of power, should be told that they had deceived the Parliament.

Mr. HUME thought the Government had acted fairly, if there existed a doubt that this expenditure was not comprehended within the Act. That had been stated to be the case; and, as the money was required for starting the colleges, he should support the vote.

Mr. NEWDEGATE inquired whether the income intended for these colleges was accumulating; and whether there was any considerable amount of it in the hands of the Government?

Lord J. RUSSELL replied, that 21,000*l.* were granted in 1845 for the payment of the salaries of professors and other officers, and for defraying the expense of prizes and exhibitions. A considerable portion of that sum had not been issued, because the professors were not yet appointed; and that money would only be applied by the Government to the purposes mentioned in the Act.

The Committee divided:—Ayes 106; Noes 28: Majority 78.

List of the Noes.

Bankes, G.
Buller, Sir J. Y.
Campbell, hon. W. F.
Cobbold, J. C.
Devereux, J. T.
Disraeli, B.
Duncan, G.
Floyer, J.
Gwyn, H.
Hastie, A.
Henley, J. W.
Jolliffe, Sir W. G. H.
Kershaw, J.
Law, hon. C. E.
Meagher, T.
Martin, J.
Morgan, O.
Morris, D.
Muntz, G. F.
Mundy, W.
Newdegate, C. N.
O'Connell, J.
Pechell, Capt.
Portal, M.
Salwey, Col.
Stuart, J.
Walpole, S. H.
Williams, J.

TELLERS.
Spooner, R.
Plumptre, J. P.

The following votes were then agreed to:—

A vote of 65,525*l.* to defray the Excess of the Commissariat expenditure.

A vote of 35,386*l.* 15*s.* 7*d.* for the Excess of the Ordnance expenditure.

A vote of 500,000*l.* for Supplies, 1848, &c.

The House resumed.

Resolutions to be reported on Monday next.

POOR-LAW UNION CHARGES ACT AMENDMENT BILL.

On the Motion of MR. BAINES, the House resolved itself into Committee on this Bill.

In answer to a question from Sir H. WILLOUGHBY,

MR. BAINES said, that as so many objections had been raised against the sixth clause, the object of which was to enable the Poor Law Board to unite several parishes to return one guardian, he should withdraw it at the proper time.

On Clause 1 being proposed,

MR. FLOYER objected to this clause, by which temporary enactments which were passed last year were continued for one year longer. He considered this to be a very objectionable course to adopt. The defect of the present Act was, that it gave no guide or direction to the board of guardians to enable them to decide who were, and who were not, settled in the parish in which they were resident. He thought the position of boards of guardians was an extremely difficult one, because they had not the facts regarding the chargeability, &c., of the pauper before them, and he hoped the right hon. Gentleman would direct his attention to amend our legislation in this respect, otherwise the guardians could not administer the poor-law in the satisfactory and uniform manner which was desirable.

MR. BAINES said, with respect to the clause under consideration, he wished to say that the Act of last Session, two provisions of which were of a temporary nature, made provision for casting on the common fund of the union the two classes of vagrants, and the irremovable class of paupers under the 9th and 10th Vic., cap. 66. It had been found unjust that the parish where the relieving officer lived should be charged for the relief of all that came to him; and so, also, that the mere accident of a parish having the workhouse within it could not justify the whole chargeability being thrown upon it. Therefore, it was thought by Parliament, and justly, he thought, that the true, and reasonable, and just course with regard to this class of vagrants, was to charge their relief upon the common fund. That arrangement had been tried last year by Mr. Charles Buller; and he (Mr. Baines) thought it was still to be considered in the light of an experiment. Doubtless some hardship arose in particular cases, but he thought the experiment, on the whole, had succeeded. Therefore, on the present occasion, he could not propose the adoption of a clause to make that state of things permanent, although he considered the result of the experiment had, on the whole, been so satisfactory as to justify him in recommending Parliament to continue it for some time longer.

MR. FLOYER said, it had been alleged that the Act of last Session was only a continuance of what was called Mr. Bodkin's Act; but that was totally incorrect. There were three classes of paupers under the Act giving irremovability, as it was termed—first, those who had resided five years in a given place; then the class who were temporarily sick; and, lastly, the class of children, with widows in the first year of their widowhood. Now, the second class, the temporarily sick, were the largest class, and occasioned four-fifths of the expense; they were entirely omitted from Bodkin's Act, which only threw the first of the three classes on the common fund.

MR. BAINES said, that it was quite correct that Bodkin's Act provided that the class of paupers who had resided five years, under certain circumstances, should be chargeable to the common fund; but Mr. Charles Buller's Act went a step further, and included other classes.

Clause 1 was then agreed to; as were Clauses 2 and 3.

The House resumed.

Committee report progress.

The House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 16, 1849.

MINUTES.] *Sat first.*—The Lord Ribblesdale, after the Death of his Father.

PUBLIC BILLS.—1ª Titles of Religious Congregations (Scotland); County Rates, &c.; Inland Posts (Colonies); Boroughs Relief; Poor Relief (Cities and Boroughs); Bribery at Elections; Commons Inclosure (No. 2).

2ª Turnpike Roads (Ireland).

Reported.—Attorneys and Solicitors (Ireland); House of Lords Costs Taxation.

3ª General and Quarter Sessions Courts Procedure; Sites for Schools.

PETITIONS PRESENTED. By the Duke of Richmond, from Bridgewater, for Reimposition of Protective Duties on all Foreign Produce.—By Lord Stanley, from Messingham, against the Endowment of Roman Catholic Clergy.—From Shields, for the Application of a Remedy to the Defects of the Laws relating to the Merchant Seamen's Fund.

TYNE RIVER CONSERVANCY BILL.

Lord BEAUMONT moved the Second Reading of the Tyne Conservancy Bill, in order that it might, according to the usual course of proceeding, be referred to a Select Committee. The object of the Bill was to secure the conservancy of the river, and to make the harbour of Newcastle a safe harbour for shipping. At present the property was held in trust by the corporation of Newcastle simply as conservators of the Tyne. That corporation not having fulfilled its duties, it was desirable that another board should be appointed. Commissioners had been sent down by the Board of Admiralty to inspect the river, and they had reported in the strongest possible manner against the continuance of the present state of things. There being nothing in the Bill contrary to the general principle of Private Bills, he trusted that, in accordance with the established rules of the House, their Lordships would allow the Bill to be read a second time.

Lord BROUGHAM opposed the second reading of the Bill. It was something new to him to hear that it was the established rule of the House to read every Bill a second time, and refer it to a Select Committee. It was certainly a novel principle in equity to him, that in the case of trustees neglecting to perform their duties, another board should be appointed, as a matter of course, to carry into effect the objects of those trusts. This was not a mere transfer of duties, as the noble Baron had styled it; it was the confiscation of property held by the corporation of Newcastle for 500 years, and the transfer of it to new commissioners for new towns distinct from Newcastle. It was true that these new commissioners had declared their readiness to undertake these new duties, and to take with them the existing tolls. Nay, they had also professed their readiness to pay all the debts of the old board. But what was there in that? He should have no objection to take the revenues of the Marquess of Westminster, and along with them the payment of his debts; for he had no doubt that he should be some 100,000*l.* a year the better by such a proceeding. He looked upon the present question as a question of property, and was prepared to oppose any outrage upon the rights of property, no matter whether that property belonged to an individual, or, as in this instance, to a corporation. There was also a flaw in the Bill, which, in his opinion, was fatal to it. By one of the provisions of the Bill, it was proposed that the present corporation was to have a preponderance of votes in the new board. In that case, what became of the charge of neglect? because the same neglect would take place in the new board, where the majority of votes was given to the old corporation.

Lord CAMPBELL said, that the Bill came before their Lordships under very favourable circumstances, not only as to the report of the Admiralty, but also from the fact that it passed through the other House of Parliament without a division. More than that, it having been referred to a Select Committee of the other House, five of the Members were in favour of it. The Bill, therefore, should not be strangled on the second reading. It should be read a second time, and then the merits of the Bill could be properly discussed.

Several noble Lords having declared themselves for or against the second reading,

Lord BEAUMONT said, he would reserve to himself the right of voting against the Bill when it came from the Select Committee, if certain alterations were not made in it; but he trusted their Lordships would now assent to the second reading.

On Question, that the word "now" stand part of the Motion,

House divided:—Contents 42; Not-Contents 30: Majority 12.

Resolved in the *Affirmative.* Bill read 2ª, and committed.

POOR RELIEF (IRELAND) BILL.

Order of the Day for the House being put into Committee read; moved, that the House do now resolve itself into Committee.

Lord STANLEY said: My Lords, I do not wish to offer any obstruction to the discussion of this Bill in detail in Committee; on the contrary, I think it desirable that it should receive a more full and more detailed discussion than I am afraid it is likely to do at the advanced period at which the Session has now arrived. But, my Lords, I feel it my duty, before we go into Committee, to offer a few observations on such parts connected with this subject as cannot properly come under discussion when we are considering the mere clauses of the Bill, and to call your notice to the course pursued by Her Majesty's Government with reference to this important question, and to the omissions, as it appears to me, of which the Bill is guilty to a very great extent. And I confess that I look at this Bill with very great regret and very great disappointment—not that I say that here and there there may not be in it trifling and advantageous modifications in the existing poor-law; but, as a whole, the Bill, I must confess, considering the time given for framing its provisions, and the attention which has been directed to it, does appear to me to deal very inadequately with any of the existing grievances arising under the present Irish poor-law; and some of the provisions, so far from diminishing the objections to the present system, make it infinitely more oppressive and more dangerous than it is as it stands at present. Your Lordships are aware that at the commencement of the present Session Her Majesty's Government decided, contrary to the feeling of the majority of this House, on appointing a Committee of this and the other House of Parliament to inquire into the existing poor-law, and suggest any alterations that were likely to amend any imperfections that might be found to exist; and I confess that, as I was apprehensive would be the case at the time the Committees were appointed, so the actual result has proved, that the labours of the Committee would extend over the whole Session, and that when we arrived at the period for legislation it would be found impossible to—or, at all events, the Government would not adhere to the recommendations of the Committee. I gave the opinion before, and I give it still, that a question of such vast importance as the poor-law ought to be dealt with by the Government as a Government on their own responsibility, and furnished with that information which they have peculiar means of obtaining from the official servants of the Crown, and which must be greater than can be obtained by any other mode. But what was the course pursued with regard to the amendment of this law? You appointed Committees by the Act of the Government. Well, have you followed the recommendations of these Committees? have you acted on their judgments? have you dealt even with the subjects which they told you were most important to be dealt with? have you not, in several cases, gone in a direction diametrically the opposite of that pointed out to you by the Committee? And, what is altogether without a precedent in the history of legislation, having first appointed a Committee of Inquiry, you brought before it one part of a Bill proposing a general rate in aid over the whole of Ireland for making up the local deficiencies. That question in the House of Commons undoubtedly was decided in the first instance without hearing any evidence; but your Lordships' Committee took a different course, with the sanction of your Lordships; for after hearing evidence in great detail till Easter, just before the recess it came to a decision adverse to the rate in aid—stating, as the grounds for that opinion, that it was impracticable, injudicious, impolitic, oppressive, and would not accomplish the objects for which it was intended. And let it not be forgotten that that was the decision of a Committee selected by the Government from those persons most conversant with the subject and competent to give advice—every Member of the Committee, excepting those who were themselves Members of the Government, unanimously concurring in condemning the rate in aid on all these grounds—the actual Members of the Government stood single and alone in that Committee, even the Members of their own choice resisting them on the question of the rate in aid—and yet, notwithstanding the judgment of that Committee, the Government insisted upon pressing the rate in aid on the adoption of this House. Your Lordships, however, decided — and wisely, as I think, having given your opinion and expressed your judgment — that you would not take upon yourselves the responsibility of rejecting the rate in aid, when the only alternative put before you by the Government was the adoption of that measure, on the one hand, or the taking upon yourselves the responsibility of the possible great amount of starvation in Ireland. I think you acted wisely in not accepting that responsibility; but your opinion, and the opinion of the Committee appointed as the proper tribunal to examine the question by the Government themselves, was deliberately set aside by the Government which appointed that tribunal; and the rate in aid was forced upon Parliament in the face of that adverse decision. The Select Committee, after hearing an immense amount of further evidence, made a considerable number of other important recommendations; but on comparing the Bill before the House with the Committee's report, I find that only two or three of their recommendations have been adopted, and that subjects have been totally passed by which the Committee regarded as of the deepest importance; and that the course adopted in this Bill, as I shall presently show, is to make the provisions of the present law against which the Committee reported infinitely more oppressive and stringent than they are already. It was said that the labours of the Committee were so great that it was impossible to wait for their report, or ascertain their judgment, and that Government was consequently obliged to proceed upon its own responsibility. But, then, if that were the case, I say we ought to confine our legislation to minor points on which it is next to impossible that difference of opinion can arise; and if the responsibility of advising was to be thrown on the Committee, it was most important that upon all matters of great importance we ought to have waited for the report of the Committee, and deferred our judgment. But the course pursued has been entirely different, and many points have been entirely omitted from the Bill to which attention was not first called by the Committee, but which, both privately and publicly, had been long brought under our notice, and as to the necessity of legislation with regard to which there was no question on the part of anybody. I will take one as an instance. It is in the 13th resolution of your Lordships' Committee, which points out the extreme difficulties of a technical nature—and to consequent injustice and expense—of appeals against the poor-rate, and recommends that they should be dealt with in any general alteration of the poor-law. The noble Lord behind me obtained a Committee to inquire into this very subject of appeals, before which his allegations were fully substantiated; but I can easily understand how it should have been said that that being merely an isolated question, it was not advisable to bring in a Bill to legislate on the subject of appeals alone and by itself; but having had the report of a Committee, and a case of grievance having been substantiated before that tribunal, I cannot understand why, when you are bringing in a general Bill to remedy all the important defects of the existing poor-law, you should entirely omit this most important question, which has been recommended for amendment by your Committee. I go now to another instance. Of all the important points necessary to have settled, is what is commonly called the quarter-acre clause, the object of which is notorious to all, and is one in which everybody agrees. It was important that boards of guardians should be prevented from granting relief to persons who were at the same time in the situations of paupers and recipients of relief, and of landholders who ought to be paying it; and a clause was accordingly introduced for the purpose of distinctly saying that no person in the occupation of more than a quarter of an acre should be entitled to receive relief. Now, opinions have been taken that have raised extreme difficulties with regard to the application of this clause. The question has been raised whether relief to the family was in point of fact relief to the occupier of the land; also, whether the prohibition was only a prohibition with regard to the occupier individually; consequently it has been argued, and, I believe, decided, that a person is not disqualified from obtaining relief, although he does not surrender his land, provided he does not actually occupy the land; and consequently, by the operation of that clause, a man holding ten acres is entitled to obtain relief for himself and his family, though he holds adverse possession of the whole ten acres, provided he satisfies himself with occupying a house and a quarter of an acre, but allow the whole of the remainder to remain absolutely waste, and, by not giving it up to the landlord, renders it incapable of yielding either any produce or rent. Now, that was manifestly a perversion of the intention of the law, and clearly a case of gross abuse; and yet although at a very early period of the Session the attention of the Government was called to the mischievous operation of that clause, and to the necessity of settling the law one way or another, the Bill now before us, introduced by the Government, leaves these difficulties entirely untouched. Here, then, are two great questions on which the law is extremely inconvenient and uncertain, and on which the interpretation of it is at direct variance with the intention of Parliament; and yet neither of them are included in this Bill, although the Government was bound to introduce them in their very first attempts at amending the existing poor-law. Another very important fact, to which your attention is called by the Committee's report, is the very large powers now vested—perhaps from necessity in some cases, but yet most unconstitutionally vested—in the vice-guardians. Now, if any power more than another requires to be strictly guarded and confined within the limits of the absolute necessity of the case, it is the amount of power to be given to vice-guardians, and the extent to which they shall, by their irresponsible authority, be allowed to raise the rates of any union. Your Lordships can hardly be aware, at least those of you who have not had personal experience in the matter cannot be aware, of the immense amount of pecuniary pressure to which the establishments under the existing poor-law are now subject. A statistical return which I hold in my hand, and presented by command of Her Majesty, gives the total expense of the relief granted in Ireland for six months during 1849. The total amount is 958,000*l.*; and I find that 332,000*l.* of that sum is the total expense of the indoor relief—that which was originally contemplated as the sole charge to be thrown upon Ireland; whilst the expense of the establishment and management was no less than 335,000*l.* So that in six months the expense of the outdoor relief exceeded the whole amount payable for the relief of indoor paupers; and that was in a year of extraordinary pressure. And giving the vice-guardians every credit for conscientiously discharging their duty in every case, I still say it is an enormous power to give to any persons wholly irresponsible to the ratepayers, the distribution of an amount of 1,000,000*l.* a year, no less than 335,000*l.* being expended upon salaries alone. There is one recommendation made by the report of the Committee, which I believe meets with the concurrence and approbation of almost every one who has thought on the subject, namely, that power should be granted to associate with the local managers a paid assistant guardian for the purpose of advising them in the execution of their duties, and at the same time of checking any attempt at extravagant outlay; while, on the other hand, their local knowledge would supply what the vice-guardians do not and cannot possess, namely, the means of distinguishing between fraudulent and deserving applications for relief, and of checking the greatest abuse, which, although with honest intentions, I am sure has been the consequence of the appointment of vice-guardians. This, I think, is a point which, although a minor detail, is deserving of attention in any Bill introduced under the responsibility of the Government to amend the poor-law. I believe that to make this or any other Bill anything like a real and substantive amendment, you must go a great deal deeper into the question, and make many more important and more extensive alterations than any that are included in the Bill before us. I go the full length of saying—and here I concur with the first recommendation of the Committee, believing that it really touches the whole matter—I say, if you intend to make this poor-law work beneficially, and not as the subject of endless abuse, you must recur to the principle of the original Bill, namely, that, subject to very rare and few exceptions, you will make the administration of indoor relief the only mode in which relief shall be granted at all in Ireland. Without going back to that principle, I am convinced you will leave Ireland to struggle under an amount of payment that will pauperise the whole country, and which is now tending to pauperise even the solvent unions. To retrace your steps you must increase your number of unions and workhouses; and although I perceive you intend to increase these, still I see no tendency in the present Bill to recur to the only sound principle, of confining the relief within the walls of the workhouses, excepting in cases where it was absolutely necessary to relax that rule. You are calling upon Ireland to incur additional expense in erecting new unions and new workhouses; but when they say to you, as they have a right to do, " When you are asking us to build more workhouses, confine the relief within them then," you say " No; we shall impose fresh burdens on you, but at the same time we will not diminish the abuse and extravagance that at present exist." There is another subject which I think is of very great importance. It will be said by the Government, I dare say, that it is intended to rearrange the electoral divisions. But unless I am greatly mistaken, the Boundary Commissioners are now in a condition to lay before you, if you demand it, all their arrangements with respect to the whole of the unions throughout Ireland. But as the law now stands, the Government may have a veto, or they may have given secret instructions to the commissioners; but at all events we know not on what principle the electoral divisions are to be subdivided. Yet this we know, that the decision of the Boundary Commissioners is not final, because they may be controlled by the Poor Law Commissioners, so that we may receive not the decision of the Boundary Commissioners, but the decision of the Poor Law Commissioners, which shall be final; and next Session we shall be told, "Oh, it is now too late; you gave the Poor Law Commissioners the power to re-arrange the rating districts, and now it is too late to interfere!" I do not wish to interfere with the details, but I wish to know what is to be the principle in which this re-arrangement will proceed. Is it to be as far as possible a principle recognising the individual responsibility of the individual proprietor. Because, while I admit the maxim "property has its duties as well as its rights," I say you will impose on one proprietor the duties of another, and sometimes take away rights that belong to that other. On this principle I object to the 2*s.* rate in aid on the union as mischievous and ill advised; for, observe, the Bill does not say that the 5*s.* shall be first collected from the electoral division, but as soon as the 5*s.* is struck in any electoral division, and as soon as the 5*s.* rate should have been collected as far as expedient and practicable. This will act as an actual premium to non-payment, and be an absolute discouragement to the efforts of the local proprietor to relieve his own poor. I myself sent out of the country 300 or 400 of my tenantry at an expense of 1,400*l.* or 1,500*l.*, and thereby relieved the electoral division and union to a proportionate extent. But a neighbour of mine has evicted 375 poor persons on his estate without giving them a single shilling of help, and they are emigrating to other electoral divisions; so that the proprietor who helps his people to emigrate from his own purse has to pay for the pauperism of the man who turns his people out without a fathing. You must meet that case if the landlords are to be enabled to do their duty. I will not now enter into a discussion of the maximum rate, as that will come before us in Committee; but this I must say of it, that I think it a great delusion and fallacy, which can only be maintained by inflicting great injustice. My object is rather to point out what I conceive to be clauses in the Bill inserted against the recommendations of the Committee, or the omissions in the Bill itself. I conceive that, under this Bill, arrears of rate will be permitted so to run up, that after a certain period of time a landlord will find that the fee-simple of his land is actually absorbed by the amount owing to him in the shape of rates, he having paid his proportion of the rate, but the tenant having failed to pay his. A very simple remedy for this state of things was proposed by the Committee of your Lordships' House. They proposed to make it imperative on the Poor Law Commissioners to call on the landlord to state the amount of rate in which the tenant might be indebted to him; and it was proposed that he should be authorised to collect that rate, allowing him 10 per cent on the amount for so doing, and should be empowered to recover the amount by distress and ejectment whenever the proportion of rate due had gone up to a certain amount. But this Bill, instead of providing relief to the landlord in this respect, makes the law more stringent and oppressive on him than it was before. There is also a provision in the Bill, that, instead of deducting a poundage on the rent, the landlord shall not deduct more than half of the rate actually paid, whatever may be the proportion of rate and rental. But assume that the rate is 5*s.*, the tenant deducts the half, the landlord pays it; but the tenant does not pay his proportion, and the arrears due from the tenant may go on accumulating until they swell up to 20*s.* in the pound. The 18th and 19th clauses of the Bill provide that all civil decrees may be removable to any of the superior courts in Ireland, and that upon the filing of any such civil decree, it shall, as to all lands against which it has been obtained in respect of arrears of poor-rates, have all the effect of a judgment in a superior court. It would give those decrees the force of a judgment with respect to lands either in Ireland or England. [Lord CAMPBELL was understood to say that these decrees were not applicable to lands in England.] With respect, again, to the question of valuation, one of the great difficulties of the law as it at present stands, is the want of a regular and equitable valuation of land in Ireland; and I find in the Bill no provision for the auditing of the poor-law accounts—a provision which I think of much importance. I have heard it suggested that there should be an annual return called for by the Poor Law Commissioners, and laid before Parliament every Session, showing the cases in which the auditors have disallowed the charges. I concur in the opinion expressed by the Committee, that many districts in Ireland are in such a pauperised condition that no efficient relief can be afforded to the population without having resort to emigration.

I concur with them in thinking that, to a certain extent, power should be given to assist these parties in Ireland in emigrating or migrating to other lands. But the delegation of such powers to irresponsible boards of vice-guardians, would, I think, be liable to great abuse. It appears to me to be a monstrous proposition that two gentlemen wholly unconnected with the union, and on whom not one farthing of the charge could fall, should have the power at any time to apply any money arising from any rates in defraying the expenses of emigration, and should be empowered to borrow sums on the security of the rates of the union, the only limit being that of 11*s.* 8*d.* in the pound. I do not think it possible that Ireland can long stagger under the load of taxation which this Bill imposes upon that country; and the only way to make such a law work well is by greatly diminishing the pressure of taxation upon property. Above all, if any success is to be expected from the working of such a law, you must not involve the whole country in one common ruin of pauperism, by making those unions which are solvent pay for those that are insolvent. Whether from corruption or mismanagement I will not say, but it cannot be denied that the number of solvent unions is greatly on the decrease, while the number of insolvent unions is, on the other hand, greatly increasing. In conclusion, my Lords, I trust I shall be excused for having made these observations on the general tenour and scheme of this Bill—a Bill with respect to which I confess I feel great disappointment, both as to what it contains, and to the omissions which I find in it. I do not see in it any proof of an intention to recur to sound principles. My perusal of it leads me to the belief that Her Majesty's Government have not taken a large and general view of the whole state of Ireland, or of the pressure of poor-law taxation which we find in that country. In that Bill, my Lords, I find some trifling alterations—some trifling modifications of the existing system. But I say, pass it in what way you may—reject some of its obnoxious provisions, as I trust you will, and modify others—I have little hope that it will have the slightest tendency to cure that canker of the poor-law in Ireland which is now eating into the very heart of the country.

The EARL of KINGSTON made a few observations which were quite inaudible.

The MARQUESS of LANSDOWNE: My Lords, I think it would be hardly respectful to the noble Lord opposite (Lord Stanley) not to advert to some of the observations he has addressed to your Lordships, more particularly with respect to what this Bill does and what it does not contain. The noble Lord prefaced his general observations on this Bill, by saying that he thought the Committee appointed by your Lordships on the subject of the Irish poor-law was not the proper tribunal for undertaking this question, but that the object in view would have been better served by the Government taking the responsibility on themselves; and the noble Lord then went on to remark upon the suggestions which the Committee had thrown out, but which had not been acted upon in framing the Bill. But with respect to the mode adopted by Her Majesty's Government on this question, let me remind the noble Lord, that however his individual opinion may have been expressed at an early period of the present Session of Parliament, there was a greatly preponderating feeling, more especially on the part of those connected with Ireland, Members of this and of the other House of Parliament, that such a Committee should be appointed, and it was much insisted on that justice could not be done if the opinions of the English and Irish Members could not find expression through the medium of such a Committee. We were met with the cry, "Why do you not take the opinions of witnesses from Ireland, who have seen the practice and working of the law in Ireland, and who alone can point out and assign a remedy for the existing state of things?" Yielding to what I will not call clamour, but the natural expression of feeling, Her Majesty's Government lost no time in appointing Committees in both Houses of Parliament. The noble Lord says that Her Majesty's Government wished to throw the whole responsibility on those Committees. On the contrary, the Government went before the Committee of the other House of Parliament prepared with propositions, some of which were immediately entertained, but others not. The Government were prepared to take the responsibility of the measure, if the Committee assented to it. Under these circumstances the Government did not hesitate a moment to introduce into the other House of Parliament, a measure which they deemed indispensable for preventing the people of Ireland from perishing of starvation—namely, the rate in aid, the principle of which was adopted by the majority in the other House of Parliament. The noble Lord says that the rate in aid was objected to by every noble Lord on the Committee not connected with the Government; but I think that a great number of your Lordships not connected with the Government concurred in that principle. The noble Lord has spoken of the quarter-acre clause, and the proposal made with respect to it. But the conflict of opinion to which a strict interpretation of that clause would have given rise, the positive destruction of the lives of women and children which would take place were that clause adopted, afforded reasons why the clause should not be adopted; but instructions have been given that the relief shall be confined merely to the object of preserving life, and that the period within which that relief shall be granted shall be as short as possible. There is one other point to which the noble Lord alluded—a point of the utmost importance, I admit, and one upon which the noble Lord has not, I think, dwelt at greater length than the importance of the subject deserved. I allude to the importance of returning to the spirit of the original poor-law. Believing that the adoption of the system of outdoor relief was justifiable in the moment of necessity when it was applied, I admit that in a country in which we see such a social system as that in Ireland, it is the duty of the Government and of Parliament to endeavour to recur to that safer, sounder, and more justifiable system which admits of control under the eye of the guardian and inspector, and which alone can stem that torrent of abuse which rushes into the vacuum the moment the door opens to give relief of this nature. There are one or two other clauses of this Bill—one, for instance, providing that until permanent workhouses can be provided, temporary ones shall be hired. Of all the witnesses examined, and who dwelt on the importance of getting rid of the system of outdoor relief, not one of them had contended that it was practicable to abandon the principle until sufficient workhouse accommodation shall have been provided. I admit, however, that it is the duty of Her Majesty's Government to give up that system as soon as it may be practicable so to do. I think, moreover, that if the resources of Ireland are developed, if the crops turn out to be favourable, and workhouses are erected, there is the certainty before us that at no distant day the desired end will be attained, and the principle of the workhouse test may be universally resumed. Another clause in the Bill—that which exempts all improvements from the imposition of charges on account of rates—I am disposed to attach much importance to. Another matter of very great importance to which the noble Lord has referred, is the subject of the payment of the one-half of the rate by the tenant; and I do think that in relation to this subject my noble Friend has committed an error, when he put it to the House that there was no security for the payment of that one-half. My noble Friend has forgotten that the tenant is bound to produce the receipt for the payment of that one-half.

Lord STANLEY: That is only when they pay rent, which they never do.

The Marquess of LANSDOWNE hoped there would be a change for the better in that respect. Very able and distinguished Members of the other House of Parliament have turned their attention to the power which is proposed to be given to vice-guardians, and who are to act only with the consent of the Poor Law Commissioners, in doing that which is necessary for the relief of the poor, and whose conduct must be regulated by the advice of the Lords of the Treasury. Now, my Lords, I have to state, in relation to this subject, and with respect to the case put by the noble Lord, when he referred to the probability of a number of paupers rushing in to fill up the place of those who might be assisted to emigrate from an estate, he thought the noble Lord was alluding to his (the Marquess of Lansdowne's) own case—for the noble Lord might have spoken positively of such occurrences.

Lord STANLEY: I stated that 375 persons who were turned out from other electoral divisions, came to settle on my property, after I advanced money to encourage those who were on the property.

The Marquess of LANSDOWNE: You say, they were charged upon the electoral division. Now, it so happens that the Bill provides a security for that very case; for it provides—

> "That for the purpose of charging the expense of relief to any electoral division, every person making application for relief shall, after the passing of this Act, be deemed to have been resident in such electoral division in which, during the period of three years next immediately before his application for relief, he shall have been longest usually resident, whether by usually occupying any tenement situate or by usually sleeping with-

in such district. Provided always, that where any such person shall not have occupied a tenement or slept within any such electoral division for at least twelve months in the whole during the said period of three years, the expense of the relief of such person shall in such case be borne by and charged against the whole union in which he or she is relieved. Provided also, that where any person chargeable to any electoral division shall have received relief, and shall cease to be relieved, and shall thereafter, within the period of twelve months, again begin to receive relief, such last-mentioned relief shall be chargeable on the electoral division to which such person was in the first instance chargeable."

Now, my Lords, I ask whether any portion of the Bill affects this question? If the applicant does not conform to the provisions of the Bill, do you suppose that he is not recollected within the electoral division?. Now, my Lords, I think I have touched the principal provisions of the Bill.

LORD STANLEY: You may have done so, but I have not heard you.

The MARQUESS of LANSDOWNE: I am glad the noble Lord has made the observation. I have to request your Lordships to recollect that the Bill is not proposed as a remedy for all the evils of the Irish poor-laws; but such a mitigation of them as I hope you will consider a safe and proper alteration, and such as you will agree to. The noble Lord has referred at some length to the mode in which the valuation is to be ascertained, and he has dwelt at considerable length upon that subject; but I can assure the noble Lord that an improved system of valuation will be followed up under the Bill so as to secure justice to all parties. I am quite of the opinion that an alteration must take place of the existing boundaries, and the commissioners have turned their attention to this subject; but they are of opinion that it is surrounded with considerable difficulty, at the same time that they express their belief that it will be necessary to look to it on a future occasion. I thank your Lordships for your attention. I have not thought it necessary to address you upon this subject at very great length, because the Committee have considered the provisions of the Bill, clause after clause, and it is therefore the less necessary for me to discuss it minutely.

The EARL of ROSSE said, the noble Marquess had said, that the principle of outdoor relief would cease at a certain period, and that the Poor Law Commissioners had said so. Now, he (the Earl of Rosse) was surprised at that statement, because the Poor Law Commissioners had required the boards of guardians, both directly and indirectly, to adhere to the system of outdoor relief; and the boards of guardians had resisted the rate in aid in consequence. He had risen for the purpose of dispelling the delusion that the Poor Law Commissioners were unfavourable to the system of outdoor relief; and in order that their Lordships might be able to form a judgment upon that subject, he might state that he had moved for returns about two months ago upon the subject, which would have proved that, but they had not been produced.

LORD REDESDALE said, with respect to what had been said of the responsibility of the tenant for the rate, and that the incoming tenant was only responsible for that rate for the time he occupied the land, they had to consider that he was responsible for the *2s.* rate in aid beyond the maximum rate, and that he was responsible also for any portion of the pauperism of the union. By subjecting the incoming tenant to that responsibility, they rendered his case hopeless; and until they had applied the principle that the tenant was responsible only for his own share of a particular and defined poor-rate, they would only be going on in a system which would make it unsafe for any capitalist to take land. He believed that the Bill, when it came into operation, would prevent capitalists from becoming purchasers of land in Ireland, and would act still more as a preventive from their becoming occupiers of land in that country. Under the system which must necessarily be created by the Bill, it was in his opinion impossible to redeem the state of things which at present unfortunately existed in Ireland.

On Question, resolved in the *Affirmative.*

House in Committee accordingly.

On the 1st Clause being read,

LORD MONTEAGLE said, that, in conformity with the notice he had given, he rose to propose the Amendment which he had placed upon the Journals of the House. Upon a former occasion, he called the attention of their Lordships to the subject of the Amendment which he intended to propose to them; and he had little more to do to induce the House to come to the conclusion which he desired than to state the substance of his Amendment. They had all heard much of the question of the maximum rate upstairs in Committee, and it was his purpose, in proposing his Amendment, that they should omit the clause relating to the maximum rate altogether. In the first series of resolutions which his noble Friend the Lord Steward proposed to the Committee, with that candour which belonged to his character, he stated that the rate in aid should depend upon the uniformity of the valuation upon which that rate was to be ascertained. But in the Committee, that proposition found no defenders, and his noble Friend was obliged to withdraw the clause which he had originally proposed. The witnesses examined in favour of the maximum rate had not attempted to defend that proposition, and, although it had been rejected in Committee, that clause was introduced in the Bill. They were, by attempting to inflict that clause upon Ireland, applying a principle which was not recognised by the statute law of England. He would say, first, that it was a principle which was repudiated by the Committee; and, next, that it was a principle which was contrary to the law in England. In England, when they had attempted to impose a maximum rate, they had taken the average of seven years, but they acted differently in the case of Ireland. In England, a maximum rate was found in its operation to be so absurd, that in 1812 they had been obliged to abandon it altogether; and yet, after their own experience of its absurdity, they attempted to introduce it in Ireland. They were legislating upon the principle of a maximum rate, and yet they did not know whether that maximum should vary, in particular districts, from 10*s.* to 5*s.*, or even in some cases to 2*s.* 6*d.* That was, in his opinion, an absurdity, for they were not carrying out their own principle, since in some districts they might add, particularly in some distressed districts, such, for instance, as the districts in Connaught, they might be adding 5*s.* 6*d.* more than in other districts, and they might, in some cases, bring it up even to the extent of 15*s.* or 16*s.*, or, indeed, to any amount. And yet they said that the amount was fixed, and that the purchaser had an assurance that the maximum rate would not be exceeded. But how did they intend to proceed? He objected to the principle of the maximum rate entirely, because of its unjust operation, and also because it was in opposition to the principle of the English poor-law, and further, because its operation would be different in different districts, where the valuation must necessarily be different. He maintained that any such law was a delusion, and contrary to their own poor-law, and he did, therefore, hope that they would not pass any such law. The maximum rate was a fallacy, and by adopting it they were perpetrating a delusion upon the country, and he had no hesitation in saying that if such a proposition were made with regard to England, they would at once reject it; and he asked them, therefore, how they could attempt to pass such a law with respect to Ireland?

Earl FORTESCUE said, the noble Lord was not correct in his statement with respect to the proceedings of the Committee. Upon the proceedings which took place before the Committee, the noble Lord was not entitled to come to the conclusion to which he had arrived. The noble Lord was wrong when he said that the rate in aid had found no defenders in the Committee, although general dissent was certainly expressed from it. The fact was, that there was a great difference of opinion with respect to the maximum rate, and, in consequence, it was found expedient to withdraw the resolution, from a general feeling to consult the feelings of the Committee.

The Earl of WICKLOW said, he opposed the general principle of a maximum in Committee because he thought it irreconcilable with the principle of a poor-law, but now that the House of Commons, who were the guardians of the public purse, had sent up the Bill with a maximum, it was a virtual admission that in case the maximum was not sufficient, they would supply any deficiency that might arise. The matter, therefore, stood differently before the House from what it did when before the Committee. But it was said, that a maximum would induce persons to purchase property in Ireland. They should first get over the difficulty of procuring purchasers. The great argument was, that it would induce persons to purchase. He believed, as the Bill was framed by Her Majesty's Government, it would have worked; but when he came to look at the Bill as it now stood, instead of holding out any such inducement, it was the most complete deception to say that it would have any such effect. Now, suppose a purchaser came, would he not consider that besides the maximum of 5*s.*, there is the union rating of 2*s.*, and the 6*d.* rate in aid for two years? But that is not all. They had heard a great deal of the city of London becoming purchasers in the west of Ireland. He would not then consider what the effect of an absentee proprietary was, although he knew something of its working in his part of Ireland. He thought that the blessings conferred by the London companies, where they possessed property, had been wonderfully exaggerated. Supposing a purchaser willing to give twenty years' purchase, he had no doubt the landlord would be very glad to dispose of his land at that price. But when he came to consider that in addition to the 7*s.* 6*d.* rate, there was a tithe-rent charge and quit rents, besides the debts incurred in the division—debts which in many cases amounted to the maximum, and in some cases to more than the maximum—the payments on account of the new poor-houses, and a sum of 2*s.* 6*d.* in the pound for an emigration fund; what would be his position? What was there left? Why it would not amount to five years' purchase. And yet this was held out as an inducement to the proprietors of the soil, and to monied persons, to come over to Ireland to purchase property, in the supposition of a maximum. Therefore, if the argument in favour of a maximum was destroyed, and if it is found that it violated every principle of the poor-law, and had no analogy to any law that ever existed in England, it must be admitted that it was totally deceptive and inappropriate. He thought the principle of the Bill vicious, and he could not, therefore, sanction it by his vote. If the first clause was adopted, the union rate in aid should not be abandoned, but his opinion was that both clauses ought to be omitted.

The EARL of STRADBROKE thought, that the effect of the maximum rate would be to increase pauperism and to diminish the demand for labour. Its effect would be this, that when the next rate of 5*s.* was struck, no individual in any electoral division would think it worth his while to give employment with the view of diminishing the amount of the rates. The landowners would know that when the expenditure required more than a 5*s.* rate, the union would have to pay the 2*s.* rate in aid to make up the difference, so that all inducement to keep the people employed would be taken away. The fact was, that the Government by such a Bill were doing all they could to discourage employment. The theoretical principle of large areas of taxation in Ireland, as laid down in it, was erroneous and unjust, and the nearer they approached the plan of the English poor-law the better it would be for Ireland.

The MARQUESS of CLANRICARDE said that, after having listened most attentively to the arguments of the noble Lord who had spoken against the measure, it appeared to him that the objections of his noble Friend the noble Earl behind him (the Earl of Wicklow) were the least powerful of any. For he, far from opposing the principle of a maximum rate, had said that if it were a real maximum which the Bill proposed to establish he would support it; but as it was a delusive and not a real one, he would oppose it. It was a mere cavil, then, at the manner in which the Bill was arranged, and not an objection upon a broad principle. But there were some two or three objections made by the noble Lord who had moved the rejection of the first clause, to which he thought it necessary to reply. In the first place, the noble Lord had objected to the plan contained in the Bill for establishing a maximum rate, because it was contrary to the opinion expressed by the Committee of their Lordships' House. But he (the Marquess of Clanricarde) never knew that when Her Majesty's Government desired to have the advice or the assistance of a Select Committee, they were to be considered as delegating to such Committee the functions of the House. He could remind his noble Friend of cases, and particularly of one case, in which his noble Friend (Lord Monteagle) and himself (the Marquess of Clanricarde) had sat upon a Committee, and their Lordships' House had not thought fit, he was happy to say, to act in accordance with the opinion of the majority of that Committee; and he was sure that his noble Friend was, as well as he himself, very glad that the House did not adopt the suggestions of the majority of the Committee upon the very important subject to which he alluded. But if the House were to be bound by the opinions of the Committee, probably his noble Friend would contend that the Committee should be considered to be bound by the opinion and evidence of the witnesses produced and examined before them. Now, an immense majority of the witnesses called before the Poor Law Committee considered that the establishment of a maximum rate would have a most beneficial effect upon the property of Ireland. They considered that it would raise the value of landed property in the market; although at the same time he was ready to admit, some of them said that they considered the adoption of a maximum rate would have a pernicious effect as regarded the operation of the poor-law. But he also admitted that it was intended by the establishment of the maximum rate to raise the marketable value of the land, and in making that admission he should add that it was not intended to delude purchasers. Its intention was to be then known—the exact liabilities which they would have to undertake. As to the next objection of his noble Friend, that it was unlike the English poor-law, it undoubtedly was altogether unlike it, for it was designed for an entirely different state of things. His noble Friend himself, when enacting the poor-law for Ireland, did not take the English poor-law as his model. On the contrary, he urged that the circumstances of the countries were so entirely different, that different principles should be applied to them. As to the cases referred to by way of precedent by his noble Friend, in which a maximum rate had been fixed in certain English poor-law unions, he had only to say that there being no similarity been the circumstances, the cases were not analogous; and there was, therefore, not the slightest weight to be attached to any objection founded upon such grounds. His noble Friend's next objection was founded upon the valuation, which differed so very much in various parts of the country. No doubt it was a great objection, and it was a great pity that there was not a uniform valuation. But the Government was endeavouring, as far as possible, to remove the objection and establish a uniform valuation. As to the objection of his noble Friend, that that which the Government had alleged to be their object (namely, the enabling of purchasers to ascertain the exact amount of liability which they were about to incur), would not and could not be attained, he should observe, that it was impossible that any great amount of land could be sold before the 29th of September next; and if his noble Friend would only take the trouble to look into the Bill, he would perceive that the rating reserved for account of debts contracted upon the unions, referred only to debts that should be contracted before the 29th of September next; so that there must be an ascertainable maximum. He knew that the noble Lord would say, "Oh, but there is your emigration-rate clause." Yes, but that was only to be a future arrangement to be made by the boards of guardians themselves, and to be afterwards sanctioned by the Poor Law Commissions. So that, he repeated it, any man could ascertain the actual amount to which the land he was about to purchase was rated. As to the removal of individual responsibility, and the carelessness that might ensue about enforcing the collection of the rates, or keeping the poor employed, when parties would know that beyond the fixed established rate no more could be levied within the year, he begged to remind noble Lords that it was the guardians, not of the electoral divisions, but of the entire unions, who would have the enforcing of the rate in aid; and was it to be supposed that they would not make every exertion to recover, in the first instance, all the rates that were due in any electoral division, before they burdened themselves with the additional rate. In any case the Bill would not make matters worse than they were at present, even if it would not make them better; but it would be more attractive to purchasers, as enabling them to ascertain their liabilities.

Earl FITZWILLIAM said, that his noble Friend behind him (the Earl of Wicklow) seemed to think that the House of Commons, by sending up that Bill, had given a tacit promise of their intention to make good any deficiency that might arise in the maximum established by them for the support of the poor in Ireland. He was sure that their Lordships' House was paved—carpeted he should say—with good intentions, and he was equally sure that the other House was likewise floored with good intentions; but he wished they had had a larger audience of Members of the other House at their bar during his noble Friend's speech, that they might have formed some judgment from the expression of their countenances as to the chance there was of his noble Friend's promise being realised. The Bill was entitled a Bill for the relief of the poor in Ireland, and it was as a poor relief Bill they should consider it. But any one listening to the speech of his noble Friend the Postmaster General would think that it was rather a Bill to improve the value of landed property in Ireland—that it was a Bill to enable the land of Ireland to find purchasers. He could understand that there were cases in which a maximum rate might be established, such as in highway and church rates. But he asked their Lordships, as English and Irish gentlemen, which was the highest title by which he could address them, whether, if they were to affirm this proposition of a maximum poor-rate, they would not be enacting that the poor people of Ireland should starve, if this *5s.*, or *7s.*, or *10s.*, or even *20s.* rate were not sufficient to maintain them? He knew that such was not the meaning or intention of the Bill; but if it were rigorously and literally carried into effect, he asked, would not that be its meaning? Her Majesty's Government did not mean to limit them to a rate of *5s.*; then surely he was justified in saying that it was a delusion. If the House of Commons had said that they intended to provide for the relief of the poor of Ireland out of the national fund, should the maximum which they fixed be found insufficient, he might be prepared, for his part, to say that a maximum of local rate in Ireland might be established. But until they made such a declaration—until he had some better security for the support of the poor (if the maximum should prove insufficient) than the sanguine hopes of his noble Friend behind him, he could not give his consent to a clause, the correlative sentence of which was the declaration that so many of the inhabitants of each electoral division—so many of the inhabitants of each poor-law union—so many of the population of Ireland—should perish of starvation as could not be maintained upon a maximum rate of *5s.* in the pound. Feeling that such was a correct description of the tendency of the clause, his vote should undoubtedly be given for the Amendment of his noble Friend (Lord Monteagle).

The Earl of ST. GERMANS said, that to the fourfold objections of his noble Friend (Lord Monteagle), he should reply, first, with regard to the opinions of the witnesses produced before the Committee, that almost all of those whom he had heard had stated that, in their opinion, the imposition of a maximum rate would have the effect of increasing the investment of capital in land in Ireland. And then he should take leave to observe that the noble Earl who had just spoken, had not, in his opinion, correctly stated the meaning and effect of the Bill. Because, although its immediate effect was no doubt intended to be the facilitating the transference of land, yet, in so doing, it would necessarily cause the introduction of fresh capital—of proprietors who would lay out money in improvements; and consequently it would lead directly to the extension of employment amongst the labouring poor. His noble Friend (Lord Monteagle) had complained of the valuation of land in Ireland, and had argued that the pressure would be most unfair in some districts in consequence. But the valuation to the poor-rate was in most instances 20 or 25 per cent below the actual value, and in very few was it equal to it, so that the hardship was by no means so great as it appeared at first sight. But when the revaluation should be effected, those irregularities would be as far as possible removed. As to the great objection of his noble Friend that the *5s.* maximum was wholly empirical, he should say that in the year 1848, which was one of very great depression, of 131 unions, in not more than 25 did the rates exceed *5s.* in the pound, and in not more than 10 did they exceed *7s.* Therefore, he did not think it fair to charge the proposition of the Government with being of an empirical nature. He felt the difficulty, undoubtedly, of fixing a maximum when the question was one of starvation. But he was quite sure that the House of Commons would take upon itself most willingly to supply any deficiency that might occur in providing for the wants of the Irish poor, when proof was given that the Irish people had themselves made every possible exertion to meet the calamity. And although he did not approve of the clause altogether, he did not wish to take upon himself to reject it, or refuse his sanction to it after the House of Commons had expressed their approbation of it.

Lord REDESDALE said, that his objection to the clause was that it was absolutely impracticable. The moment the *5s.* rate should be made, the parties would sit down with their hands folded. The power of levying the additional *2s.* rate in aid would not arise until it had been shown that the *5s.* rate for the past year was insufficient. The electoral divisions having levied the *5s.* rate, would have as much of it as they could collect. Meantime the expenditure would go on for twelve months, or may be a little beyond, the contractors supplying what was required before the commissioners could give their sanction to the laying on of the *2s.* rate. Well, then, either the affairs of the union must stop short for want of funds, or go on upon credit; and he left Her Majesty's Government to get out of the difficulty if they could. As to keeping the debts within certain bounds, if they did not check the allowance to the poor, they could not do it. They must either go on upon absolute credit, or stop short when their funds were exhausted. Next, the clause itself was an absurdity. It provided for commencing operations on the 29th of September; but the year began on the 25th of March, so that they would have a *5s.* rate for two quarters. It might be said that that was not intended—that *2s. 6d.* only was to be raised. Well, even in that case *2s. 6d.* would be taken for the two winter months; but there really was no limitation in the Bill. Therefore, the clause was literally contrary to the principles that it pretended to lay down.

Lord WHARNCLIFFE had arrived, as a Member of the Committee which had reported on this subject to their Lordships, at the conclusion founded on the information given before it, that the expectations based upon this clause of facilitating the investment of capital in the purchase of landed estates within the electoral divisions, comprising many of the most distressed unions in Ireland, were not likely to be fulfilled or carried out. He would, at the same time, fairly own that when he heard the proposition for this maximum rate first suggested, it did seem to him likely to prove a valuable one; and he might still be disposed to think so, if it could have been demonstrated that under the operation of such a clause, any capitalist might purchase landed property in those districts of Ireland without any great increase of liabilities beyond the scale assessed on account of the relief of the poor. But he now felt, on further information and further consideration, in common with several noble Peers who had already addressed their Lordships, that Her Majesty's Government were not yet in a condition to show that this maximum rate, assuming it to have received the sanction of Parliament, would meet the exigencies of the case for which it had been devised. He believed that Government were not in a condition to give the Committee any assurance that, in the event of this clause being acceded to, the maximum rate proposed would realise sufficient funds to make good any deficiency that might meanwhile or hereafter arise. What was it which they were now coming forward to do? He (Lord Wharncliffe) could not believe that, in the event of the maximum rate they were going to enforce not proving sufficient for the purposes for which it was intended, the unfortunate poor people were to be left, therefore, to starve. But how was it meant to raise the necessary funds in excess of what was now brought forward as a maximum? He perfectly believed that the object of Her Majesty's Ministers in framing this measure was to induce capitalists to invest their money, their talents, their energy and enterprise in the purchase and improvement of lands in Ireland. But he could not see how the enactments it contained were calculated to accomplish so desirable an object. With regard to the maximum rate itself there were two conditions required to entitle it to the sanction of that House: the first, that it should be sufficient for the object contemplated by it; the second, that it should admit of being carried out into practical working without operating any considerable degree of injustice for the attainment of that object. Now, he was quite satisfied that it would be found to operate very considerable injustice to individuals in respect of their property. It had been argued that as to this object, by exacting a maximum rate of *5s.* in the pound, beyond which no further rate should be chargeable on the property paying it for the relief of the poor, you must be raising in the electoral divisions comprising the poor-law unions on which this maximum would become chargeable the value of estates, in so far as you would have assigned a limit to the possible incumbrance on them in this respect. And this was true. But noble Lords opposite seemed to forget, whilst they advanced this argument, that by the mere fact of imposing a maximum rate on such property to the amount proposed, they diminished, *pro tanto*, as matter of course, the value of property throughout such electoral divisions. Take the case of two electoral divisions, one at each extremity of one of these unions, and one of such electoral divisions in a state of insolvency. Upon the soundest principles recognised in the working of the poor-law in England, that part of the union more immediately adjacent to the electoral division whose affairs had been allowed to decline into so bad a state, would be chargeable with the great bulk of the deficiency of means, and of the consequent excess of charge to be met. But, under a general maximum rate of the kind now called for, the union lands most distant from such insolvent electoral district—twenty miles separated from it, perhaps—on account of the enormous area of some of these Irish unions—would be rendered liable to this additional burden, in excess of its own contributions, and after their legitimate application to the relief of their poor, and the diminution of the amount of pauperism within their limits. Let their Lordships consider but for a moment the extreme injustice with which such a rate would operate in this case; a case which had been most forcibly put by a very intelligent witness examined before their Lordships' Committee—Mr. Gulston. But he (Lord Wharncliffe) objected to the clause now before them, on principle. He would much rather that the Imperial Parliament should bring forward some large and comprehensive measure of remedial relief for the fearful condition of things admitted to exist in these unions—on propounding which, they might find it possible to avail themselves of some natural elements of amelioration that were probably now in progress—or, at any rate, that the extent of relief now applied for should be granted under some different form and by some other means than those proposed by Her Majesty's Ministers. The noble Marquess had indeed admitted that in proposing remedies of the kind suggested in the clause now before them, and the succeeding one, he could not so far justify them as to say that they were of a character that entitled them to be recognised as embodying principles calculated for measures of permanent legislation; but that himself and his Colleagues had submitted them rather as temporary measures demanded by the serious exigency of very extensive and immediate evils. Now, he (Lord Wharncliffe) cautioned their Lordships not to be deluded by the impression that admission was calculated to raise in their minds. It was idle to suppose that to the capitalist, for example, who might be induced to purchase a landed estate in Ireland, on the faith of its being free from all liability to any higher rate than this maximum, the Government would hereafter urge any plea of necessity to excuse the imposition of some increase of its burdens. That party would have a right to turn round and say he had been assured he would have to pay a fixed amount of rate, but their Lordships had not kept their faith with him. The clause appeared to him (Lord Wharncliffe) objectionable in the highest degree; he thought Parliament ought not to be induced, by considering a state of things which he hoped was the exception rather than the rule, and would be amended from day to day, to pass a clause which he thought would lead to the worst possible results.

The MARQUESS of LANSDOWNE said, before this question came to its decision, he was anxious briefly to state to their Lordships the grounds on which he should give his vote in favour of the two clauses, the matter of which had been made the subject of so much observation and objection that evening. He was anxious to state to noble Lords, first, the inducements which had led Her Majesty's Government to contemplate some present change in the form of an amended poor-law for Ireland; secondly, the grounds on which it proposed to engraft on the existing poor-law of Ireland a maximum rate beyond which the poor-rate for that country should not be raised on its property. The views that had been taken by Her Majesty's Government on this subject appeared to have been affirmed by the other House of Parliament; not because the other House of Parliament had failed to see the difficulty of applying such a maximum, or the inconvenience of applying a new precedent of this kind, but because they saw that in the present frightful distress of Ireland, this maximum rate presented a present and practical means of in some degree alleviating its present pressure, and applying a remedy available towards the prevention of its further increase. A noble Friend of his (Earl Fitzwilliam) had expressed in strong terms his opposition to these clauses, and had gone so far as to declare that he had experienced great alarm on finding that this was altogether a Bill rather for facilitating the sale and improving the value of landed estates in certain unions of Ireland, than one such as he had looked for, for the relief of the poor of Ireland. Now he (the Marquess of Lansdowne) should have thought that the noble Earl would have been the last man in that House not to see that the two objects which he had thus put in opposition the one to the other, were, in reality, perfectly compatible. He should have supposed that, of all the Peers in that House, his noble Friend would have been the most ready to perceive and to acknowledge that with the improvement of the land were identified the best and most permanent interests of those who cultivated it; that the welfare of the tenant was identical with that of the landlord—of the owner with that of the peasantry upon it. He thought he should have found the noble Earl supporting the proposition on the very ground that it would enhance the value of the land, since, as he (the

Marquess of Lansdowne) contended, as the House must admit — or the noble Earl himself must admit (having repeatedly stated his conviction before their Lordships to that effect), that the burdens now placed on Irish property were crushing Ireland—that unless Parliament could diminish this pressure, it was in vain to hope that they could remedy the distress of landlord, tenant, cultivator, and all connected with the land; in short, that these burdens were grinding to the dust and driving out from the soil the old landlords, and preventing new ones from coming in their place. Surely it was to the influence of capital that they must look for the great remedy of that distress; for if it relieved the landowner by facilitating the sale of his estates, it must proportionately benefit the labourer and the tenant, who were now equally involved in his distress. He (the Marquess of Lansdowne) asserted that it was impossible to separate these common interests. If the condition of the landlord was bettered, it must create or enlarge the means of employing labour; if labour was employed as extensively as possible by that process, they were making the most unfailing advances towards raising the abject condition and mitigating the cruel sufferings of the poor unemployed peasantry. It had also been said by the noble Earl that the Bill had been framed, no doubt, with good intentions: but noble Lords were reminded at the same time that a certain place elsewhere was paved with similar materials. Now, his noble Friend had himself had credit given him for his good intentions, and it was remarkable that their constant fate had been to be deemed, elsewhere, too impracticable to admit of being carried out. These intentions might not be, or they deserved not to be, registered below; or they might even be, as his noble Friend had wished them, recorded on high. But his noble Friend's intentions, with regard to Ireland at least, which he had from time to time propounded in that House for her benefit and pacification, had proved to be such as the House of Commons on each occasion had been found not prepared to carry into effect, and had as often rejected. And he would now ask that noble Earl did he mean that Ireland should be left to struggle on with its accumulated misery—that the Irish people should be left to struggle under all their other distresses, with the horrors of starvation, without any other present remedy, and until some or other of his noble Friend's propositions could be reduced into practice? No. Parliament—the country, were bound to administer some available relief in mitigation of the distress that was so overwhelming in that country. Noble Lords assert that that distress should utterly crush her, because in the meanwhile the Government could not undertake to tell the House of Commons now what might hereafter ensue, and whether, if this maximum rate were passed, all further application should be abandoned for the relief of Ireland? No man could suppose that Her Majesty's Ministers or Parliament could be guilty of the inhumanity of leaving the poor of Ireland to perish from extremity of want, should their destitution unhappily attain to such a pitch as to require the more extensive aid and sympathy of their fellow-men; but he asked the House, and his noble Friend (Earl Fitzwilliam) in particular, to remember on what grounds two recent applications for the further relief of Irish distress in the present Session had met with this fate, namely, that the one had been reluctantly and tardily conceded, the other flatly refused. No man could justly contend that the House of Commons had been so unjust, so inhuman, so heartless, as to think of leaving a distressed people to perish from want and misery, without the manifestation of sympathy for their case, or extending a helping hand to relieve them from it. But the desire of the House of Commons undoubtedly was to see, in the first instance, what were the resources of the country itself; and what these electoral divisions in Ireland were capable of raising towards the further relief of their poor. With an intention of following out the view thus entertained by the House of Commons, this maximum rate had been proposed. After all which some noble Lords had said against such a rate, it was founded on the intelligible principle that the value of land would be improved by the certainty that the rates to which it would be subjected for a given purpose, could in no case exceed this stipulated maximum. If his noble Friend (Earl Fitzwilliam) were about to purchase an estate, say for 20,000*l.*, and pending the negotiation were to discover that it was subject to a mortgage of 2,000*l.*, no doubt his noble Friend would immediately say, "I shall give you, therefore, only 18,000*l.*;" but he would not, on account of the mortgage so ascertained to be allowed for, therefore abandon the purchase.

The apprehensions of noble Lords touching the amount of the embarrassments of the unions, and the effect that the addition of such a burden as this maximum rate on the lands within these districts would have in reducing the value of that property, were very greatly exaggerated. Out of the 1,923 electoral divisions into which Ireland was apportioned, 328 only were in debt, and not in all of these was the imposition of this rate likely to be called into action. In the greater part or the whole of these, the 2*s.* rate might perhaps be called for; but even in these not the whole of the 2*s.* would be required under each rate. As to the fears expressed on the general effect of the measure—about its deterring capitalists from investing in purchasing of lands and so forth—he found that taking the aggregate of the whole liabilities of all the indebted unions, it did not amount to one half of one year's valuation of the property. From other returns it appeared that in some cases—the properties where the liabilities were very heavy indeed—they did not exceed 3*s.* in the pound; in many others not 1*s.* 3*d.* The very heaviest of all showed not above 6*s.* 9*d.* to 7*s.* in the pound; and this rate applied to but a very few of these divisions. The most eminent and best informed of the witnesses examined before their Lordships' Committee had concurred in the opinion that such a maximum rate as that now proposed for adoption was the most practical and expedient remedy for present application to the wants of Ireland in relation to the working of her poor-law; and he, therefore, earnestly besought the House not to reject these clauses of a Bill with which the present and future welfare of Ireland were, he was convinced, indissolubly bound up. It was absolutely essential for the partial relief it was now sought to afford to her, that noble Lords should give their sanction to the passing of these clauses.

Their Lorships divided upon the Question that the Clause stand part of the Bill:—Contents 26; Not-Contents 35: Majority against the Clause 9.

List of the CONTENTS.

MARQUESSES.
Clanricarde
Lansdowne
EARLS.
Besborough
Carlisle
Cowper
Essex
Fortescue
Granville
Grey
Ilchester
Minto
Morley
St. Germans
Shaftesbury
Strafford
Suffolk
Yarborough
BARONS.
Auckland
Byron
Camoys
Campbell
Eddisbury
Elphinstone
Erskine
Lyttelton
Saye and Sele

List of the NOT-CONTENTS.

MARQUESSES.
Salisbury
Drogheda
Sligo
EARLS.
Courtown
Clare
Darnley
Desart
Fitzwilliam
Kingston
Lucan
Malmesbury
Nelson
Orkney
Powis
Rosse
Stradbroke
Sheffield
Wicklow
Warwick
VISCOUNTS.
Strangford
BARONS.
Stanley
Blayney
Colchester
Crofton
Clarina
De Ros
Downes
Farnham
Hawarden
Monteagle
Redesdale
Willoughby de Eresby
Wharncliffe
Beaumont

Paired off.

FOR.	AGAINST.
Earl of Gosford	Earl of Erne
Marquess Conyngham	Lord Gray
Earl Spencer	Earl of Eglinton
Lord de Mauley	Duke of Richmond
Lord Foley	Lord Southampton
Earl of Zetland	Lord Kenyon
Bishop of Worcester	Marquess of Exeter
Marq. of Breadalbane	Earl Kinnoull
Lord Poltimore	Earl Cardigan
Lord Sudeley	Earl of Jersey
Marquess of Winchester	Lord Beauchamp
Archbp. of Canterbury	Earl of Digby
Earl of Effingham	Lord Polwarth
Earl of Leitrim	Lord Brougham
Lord Bateman	Earl Talbot
Earl of Oxford	Viscount Combermere
Lord Milford	Marquess of Ely
Lord Lilford	Lord Wynford
Lord Carrington	Earl of Aylesford
Lord Crewe	Lord de Lisle
Duke of Norfolk	Duke of Beaufort
Marquess of Anglesey	Viscount Sydney
Earl Ducie	Lord Sondes
Marquess of Donegal	Earl of Glengall
Lord Colborne	Earl of Lonsdale
Bishop of Manchester	Earl of Mansfield
Bishop of Hereford	Marquess of Hertford
Lord Howden	Duke of Buccleuch

Upon Clause 2 being proposed, imposing a 2*s.* rate in aid,

LORD MONTEAGLE moved the omission of that clause also.

The MARQUESS of LANSDOWNE said, that after the opinion which the House had expressed on the preceding clause, he would not trouble their Lordships to divide.

Clause struck out

Clauses 3 to 15 agreed to.

On Clause 16 being read,

LORD MONTEAGLE rose to make an objection to it, which also applied to the 17th, 18th, and 19th Clauses. The objection had reference to the mode of recovering rates due, and to the incidents of that recovery. In England, the occupier only was rated, and the remedy was a personal remedy against his goods and chattels. By the Irish Bill, as amended by his noble Friend, a further remedy was given in addition to the previous one. Proceedings might be taken against the party before the assistant barrister by way of civil bill; and there was an amendment introduced, that the decree might be removed to the superior courts of law. When the words were introduced, it was merely intended to give to the superior courts the power to direct those proceedings, and, as it were, record them. It was intended to remove a case from the local tribunals, where there might be local influence, to the superior courts, and it was never intended to go beyond that point. But it had been lately discovered that by going to the superior courts of law, a judgment might be obtained and become a lien on the whole real estate of the party affected by that judgment. Contrary to the intention of the framers of the clause, and of Parliament in adopting it, a totally novel principle had been introduced, at variance with the principle of the English poor-law. Circumstances might, and do, and must arise in Ireland, in which, on the desertion of the land by the tenant, the whole of an arrear of rate was cast upon the landlord as an incumbrance upon the land. Under the law, as it now stands, it gave to parties an easy process of resorting to the superior courts, and obtaining judgment against a man who is not the party owing the rate originally, but a man on whom it devolved by law, in addition to the loss of the whole year's rent. Their Lordships' Committee, on consideration, had recommended, in relation to the recovery of rates, that the mode adopted should be by distress and sale, or by proceedings before the assistant barrister, with an appeal from the assistant barrister to the Judge of assize, to counteract local influence, if any should be exercised. But what did this Bill do? This Bill, setting aside the recommendation of the Committee, and having no respect to the original intention of Parliament, not only adopted that which was an unexpected incident of the law, inadvertently passed, but it went still further. Would they throw overboard the recommendation of the Committee; or were they prepared to extend the construction put upon the law where it is ordered that the decree of the assistant barrister shall be registered? In conclusion, the noble Lord moved the omission of the clauses having reference to the registration of decrees in the superior courts, and proposed the introduction of a clause founded on the recommendation of the Select Committee.

LORD CAMPBELL said, that his noble Friend was under a mistake in believing as he did that, by the clauses to which he objected, any action could be brought against a party not liable for the poor-rate. If an action was to be brought, it was desirable that it should be an effectual proceeding. As the law now stood with regard to Ireland, a judgment might be obtained in a superior court, and the real property of the landlord, who was the liable party, might be made available to pay the rate. He did not see why the real property of the landlord should not be rendered liable, as the property itself ought to discharge the debt due in respect of it.

LORD STANLEY said, the clause was wholly in contradiction with the recommendation of the Lords' Committee, and was of a character to encourage the most vexatious, arbitrary, and oppressive measures.

The EARL of ST. GERMANS contended that the landlord, not being the person rated, could not be charged with arrears of rate. It was out of the question to suppose that Parliament ever intended a man should be liable for a debt not his own, and owing, moreover, by a tenant who had actually defrauded him of his rent.

The MARQUESS of CLANRICARDE said, it was quite clear that there was no instance of a landlord being personally pursued in a superior court for a debt incurred by a runaway tenant. He was of opinion that, however harsh the clause might seem, it would be preferable to the adoption of the Amendment of the noble Lord. It was absolutely necessary to take stringent steps to do justice and avoid confiscation, for if you do not bring estates that have not paid to book, you would necessarily render bankrupt the estates now solvent.

The EARL of LUCAN said, that a landlord might not be liable for a rate unpaid by a runaway tenant until a new rate was struck; but then the arrears were added to the new rate, and charged against the landlord as present occupier.

Lord CAMPBELL said, he should be ready to support any distinct proposition for exempting the landlord in Ireland from the payment of rates due by a runaway tenant — a liability manifestly unjust; but the clause under consideration applied to the law as it stood.

Lord BEAUMONT had no objection to the most stringent means of recovering debts, provided the parties pursued were the parties who had primarily incurred the debt; but he wholly protested against the pauperising monstrosity of saddling the landlord's estate with a judgment debt incurred by a runaway tenant, the debt, moreover, being one which the law entirely disabled him from preventing the incurrence of in the first instance.

The Earl of LUCAN explained.

The Marquess of SALISBURY said, that by this Act it was proposed to give powers unparalleled for stringency against the owner of the land, and he hoped that some alteration in that respect would be introduced.

The Marquess of LANSDOWNE admitted the desirableness of restricting the landlord's liability; but the difficulty was, he said, to effect that object without encouraging collusion. The landlord might say to the tenant, "Pay me my rent, and then you may go where you please."

Their Lordships divided on Question that the Clause stand part of the Bill?— Contents 19; Not-Contents 32: Majority 13.

On the Clauses having reference to Emigration being read,

Lord STANLEY reiterated his objections to the powers of raising money for that purpose, vested by the Bill in the new guardians. The noble Lord proposed an Amendment, conferring the powers for exercising certain purposes on the ordinary guardians of the poor instead of the vice-guardians.

The Marquess of LANSDOWNE said, that the noble Lord's suggestion should be taken into consideration.

The other clauses agreed to.

Report to be received on Monday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 16, 1849.

Minutes.] **Public Bills.**—1^{o} Inclosure Act (Extension of Powers); Drainage of Lands; Disembodied Militia; Metropolitan Sewers.

2^{o} Stock in Trade; Stamp, &c. Allowances; Regimental Benefit Societies; Enlistment (Artillery and Ordnance); Nuisances Removal and Diseases Prevention; New Zealand Land Conveyances.

Reported.—Dublin Improvement (No. 2); Advance of Money (Athlone to Galway) Railway; Relief of Distress (Ireland) (No. 2); Turnpike Acts Continuance, &c.; Municipal Corporations (Ireland).

3^{a} Inland Posts (Colonies); Commons Inclosure (No. 2); County Rates, &c.; Joint Stock Companies Act (1848) Amendment; Excise Benevolent Fund Society; Chapels of Ease (Ireland).

Petitions Presented By Mr. Duncan, from Carnoustie, against the Sunday Travelling on Railways Bill.—By Mr. Headlam, from Newcastle-upon-Tyne, for an Alteration of the Australian Colonies (No. 2) Bill.—By Mr. Scholefield, from New South Wales, for an Extension of the Elective Franchise.—By Mr. W. Lascelles, from Harrogate, for Repeal of the Duty on Attorneys' Certificates.—By Admiral Dundas, from Woolwich, for Regulating the Hours of Labour in the Baking Trade.—By Mr. Monsell, from Limerick, for the Promotion of Emigration.—By Mr. Spooner, from Birmingham, for an Amendment of the General Board of Health Bill.—By Mr. Disraeli, from Winslow, for Reform of the System of Poor Law Medical Relief.—By Mr. Miles, from Monte Video, for Inquiry respecting the Monte Videan Loan.—From Dublin, for Sanitary Measures.—By Mr. Reynolds, from the Dublin, Dundrum, and Rathfarnham Railway Company, for the Railways Abandonment Bill.—By Mr. C. Lewis, from the Ledbury Union, for an Alteration of the Sale of Beer Act.—By Mr. Hardcastle, from Colchester, for an Alteration of the Small Debts Act.—By Sir Thomas Birch, from Liverpool, for an Alteration of the Small Debts Act Amendment Bill.—By Sir W. Clay, from the Sugar Refiners of London, against the Smoke Prohibition Bill.

SMALL DEBTS ACT AMENDMENT (COMPENSATION FOR OFFICES ABOLISHED) BILL.

The ATTORNEY-GENERAL having moved that the House resolve into Committee, with the view of agreeing to a Resolution whereon to found a Bill upon this subject,

Lord DUDLEY STUART said, that doubtless the Bill now before the House contained several very useful provisions; but he must altogether protest against any compensation being given to the officers of the Palace Court, on any supposed ground of right arising out of the losses which they might sustain from the measure now before the House. He wanted to know why the House should be so very tender of the interests of lawyers; nor could he understand why they, at all events and under any circumstances, must have compensation? He would put a case. Suppose a man, in times long since passed away, was the owner of a very good inn and posting-house, and that in consequence of the establishment of mail and stage coaches his business happened to be somewhat injured—would he be entitled to compensation merely because the people of this country thought proper to improve their means of locomotion? Again, suppose the property in a great coaching-house happened to be destroyed by the establishment of a railway in its neighbourhood, were railways to stand still until this innkeeper was compensatied? Nobody ever thought of compensating such parties. Now, the existing courts of this country in which small debts might be recovered, were found to be slow, inefficient, and expensive. Other modes of administering justice were resorted to, and, amongst the rest, county courts were established. As a matter of course, the officers and practitioners in the old courts suffered more or less; but it was not everybody who suffered that could be said to have a fair title to compensation. Men who have had great, exorbitant, and, above all, unjust gains, were exactly the people who ought on no account to be compensated; and, so far from receiving compensation, they ought to rejoice at not being made to refund the unfair profits which, to the disgrace and injury of the country, they had too long enjoyed. It would be in the recollection of the House that about ten days ago they went into Committee on this Bill *pro formâ*, and that some new clauses were introduced. Now, he wished to recall the attention of hon. Members to this fact, that the original proposition was, that all the details of the measure were to be submitted to a Select Committee of that House. Since then a new principle had been introduced, a new clause had been inserted, authorising the Lords of the Treasury to make whatever compensation they might deem necessary. Perhaps it was not then the proper place for him to propose any Amendment on that point; but if they went into Committee he should certainly bring it under the notice of the House, and he hoped he should succeed in showing that no such extraordinary powers ought to be vested in the Treasury.

The ATTORNEY GENERAL replied, that it would not be necessary for his noble Friend to delay going into Committee, inasmuch as the whole of the question to which he referred was still open to discussion.

The House then resolved itself into Committee; Mr. Bernal in the chair.

The ATTORNEY GENERAL moved the following Resolution:—

"That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorised to grant compensation, out of the Consolidated Fund of the said United Kingdom, to such persons as are legally entitled to any franchise or office in the Court of the Marshalsea of the Household of the Kings of England and the Court of our Lady the Queen of the Palace of the Queen at Westminster, and Her Majesty's Court of Record for the honour of Peveril and additional limits of the same, and who may sustain any losses by the abolition of their offices under any Act of the present Session."

Mr. B. OSBORNE said, he should resist the proposed compensation on higher grounds than those which had been taken by his noble Friend the Member for Marylebone. He should resist compensation, because he held that the original institution of the court was illegal and unconstitutional. It imposed taxes and fees upon Her Majesty's subjects without the consent of Parliament. The court was originally supposed to be necessary for the purpose of settling disputes between members of the Royal Household, but it soon came to exercise domination and tyranny over every person who resided within twelve miles of the court. This, however, did not take place until this country came under the dominion of a Stuart king. By the 12th of James I. its jurisdiction was thus extended; and for further strengthening its hands, letters patent were granted in the 6th of Charles I., although in several cases which he might mention, and with which, of course, the Attorney General was much more familiar than he could possibly be, the superior courts reversed the decisions of the Palace Court, and, both directly and by implication, pronounced against its legality. He might mention most especially the case of "Fysche *v.* Wagstaffe," in which not only the judgment was reversed, but the schedule of fees condemned. During the Commonwealth, however, things went on somewhat better. Lawyers and legal abuses were pretty well swept away, and this court, amongst other corruptions, disappeared. In the days of Charles II., however, the Palace Court was revived, with its six attorneys and four counsel. There were documents in the British Museum which established beyond all possibility of doubt that the parties then interested in the revival of this public wrong, gave a bribe of 1,000*l.* to Lord Chancellor Hyde to promote the reconstruction of this court. Chancellor Hyde put the 1,000*l.* in his pocket, and the letters patent were issued forthwith; from that day to this the Palace Court went on, blooming in all its corruption and villany; and if it had not been for Mr. Jacob Omnium, and the spirit which he roused, the bloodsucking attorneys of the Palace Court—["Hear, hear!"]—yes, he would repeat it, for he could, by perfect proof, justify such an epithet, and he should never apologise for having used it—the bloodsucking attorneys of the Palace Court might have gone on indefinitely plundering the citizens of this great metropolis and the country for twelve miles round. He did not deny that the kingdom at large and the city of London in particular were exempt from this intolerable nuisance. It was limited to persons residing within twelve miles of the court, and not within the city. But let the House for a moment consider how that operated. Why should the national treasury pay for a matter which concerned three or four counties almost exclusively? Why should the people of Yorkshire be taxed for the good of the metropolis and its vicinity? That, he confessed, appeared to him a fatal objection to the principle of compensation in the present case. Parliament admitted that a police-rate for Manchester ought not to be charged upon the nation; then why should the nation compensate these lawyers? When the county courts were established, the business of lawyers was diminished one-fourth by the agency of that change; but who thought of giving them compensation? The number of writs issued was one-third less; but who thought of compensating the parties who gained by the issue of writs? Although, in the year 1846, there was treble the number of writs issued from the Palace Court, yet, by the 7th and 8th of Victoria, all the officers of that court succeeded in getting a certain amount of compensation! These officers, he found, consisted of the knight-marshal, the steward of the court, the deputy-steward, the prothonotary, his deputy, and the crier. It appeared that the knight-marshal gave 200*l.* for his situation. [The ATTORNEY GENERAL: Much more.] Yes, but that was the regulation price. It was nothing to him if 2,000*l.* were given for it. The counsel paid, he would say, 200*l.*, the attorneys 100*l.* They might give, if they pleased, 2,000*l.* for the goodwill of the business; but that was not the point. A captain of dragoons might give 3,000*l.* and upwards as the regulation price of his commission, but he might not be able to get hold of a commission for much less than 5,000*l.*; and if he were put upon half-pay, be the difference that he paid little or much, no account was taken of it. He was treated merely as having paid the regulation price. But these lawyers, with the influence that they possessed, did not hesitate to come forward in that House, and impudently ask for that which was without ceremony refused to military men. He held in his hand a letter from a gentleman who had not long since been in treaty for the purchase of one of the places in Palace Court, and amongst other things he stated that counsel gave very large sums for the privilege of practising in the Palace Court. The fee he believed was 300*l.*, and such further sum as might be agreed on in the manner of arrangements made between ingoing and outgoing tenants. This gentleman was asked 2,000*l.* for the goodwill of the office; but, anticipating that the Small Debts Act would sweep away the court, he declined the proposal. He (Mr. Osborne) maintained that, so far from these parties having any claim to compensation, they were already overpaid. The knight-marshal and judge of the court, who had a complete sinecure, received before 1846 about 214*l.* 2*s.* 10½*d.* a year; his compensation for loss of fees consequent on the Act 7 and 8 Victoria, c. 96, was 60*l.* 4*s.* 2*d.*, cash down, and an annuity of 306*l.* 14*s.*, and in 1848 the fees of that officer were 714*l.* The deputy-judge, whose income prior to 1846 was 242*l.*, received an amount as compensation under the 7th and 8th Victoria, and in 1848 his emoluments were 742*l.* 16*s.* 4*d.* The prothonotary, whose office was a sinecure, received prior to 1846, 245*l.* 18*s.* 9*d.* a year, and, having received a sum of money as compensation for loss of fees, his emoluments in 1848 amounted to 780*l.* 6*s.* 3*d.* The deputy-prothonotary, who had an annuity of 414*l.* 18*s.* 7*d.* for loss of fees, received in 1848 no less a sum than 2,846*l.*, and it was therefore not surprising that that gentleman had been an unwilling witness. Mr. B. E. Willoughby, one of the attorneys of the court, received, prior to the establishment of the county courts, 850*l.* 5*s.* 3*d.* a year in fees; he obtained 1,900*l.* as compensation under the 7th and 8th of Victoria, and in 1848 his fees amounted to 1,547*l.* 9*s.* 6*d.* Mr. M. B. Miller, another attorney, was stated to have received 750*l.* as compensation in 1846, and his fees had increased from 300*l.* 17*s.* 2*d.* annually to 1,444*l.* 18*s.* 4*d.* in 1848. Mr. Mark Sheppard, another of the attorneys, entered the court in 1844, paying 100*l.*, and having levied fees in each of the two succeeding years to the amount of 728*l.* 10*s.* 8*d.*, and received 240*l.* as compensation: he was, in 1848, the fortunate receiver of 3,537*l.* 11*s.* 10*d.* Then he (Mr. Osborne) found that the number of writs issued in this court in 1846 was 2,231, and 409 causes were tried by the four barristers of the court. Taking each debt at 8*l.*, which he should think below the average, the amount involved was 17,848*l.* The profits of the barristers and attorneys would be, on 1,822 undefended cases at 5*l.* each, 9,110*l.*; and on 409 defended cases at 20*l.* each, 8,180*l.*; and yet these persons had now the assurance to call upon the House to compensate them! In 1848 the number of writs issued was 6,535, and the four barristers tried 1,064 cases. He thought, then, from the great amount of business which had been thrown into the Palace Court, that these officers had had ample time for feathering their nests well. He altogether objected to referring this question of compensation to the Lords of the Treasury, and considered that the matter should be left for the decision of a Committee of that House.

Mr. STUART WORTLEY wished to know whether there would be any opportunity afforded of discussing this question afterwards?

The ATTORNEY GENERAL said, there would.

Resolution to be reported To-morrow.

House resumed.

SMALL DEBTS ACT AMENDMENT BILL.

The House then went into Committee on this Bill; Mr. Bernal in the Chair.

On Clause 1,

Mr. CARDWELL said, he should be glad if the Attorney General would state the grounds on which he had brought forward the first five clauses of the Bill. So far as he was informed at present, he decidedly objected to the Bill passing into a law; and if there were any other Members present, representing large constituencies, he hoped that they would be able to induce the hon. and learned Gentleman to postpone these five clauses. It was thought right in the original Act to provide that where the plaintiff resided more than twenty miles from the defendant, he might still sue for a debt, though under 20*l.*, in the superior courts; but if the first clause of this Bill were adopted, the plaintiff must follow wherever the defendant thought proper to go. This was not in accordance with the policy of the common law, which contemplated that the action should be tried where the cause of action arose, and where the witnesses were to be found; and that principle was consistent with common sense. A man might reside at Birmingham, and contract debts there, and when he had exhausted his credit there, might betake himself to Liverpool. He did not mean to say anything against the principle of the old County Courts Bill. The principle of that Bill was the diminution of costs; but the costs of a suit would certainly not be diminished if a plaintiff were obliged to follow his debtor from Birmingham to Liverpool. He thought that such a state of the law would lead to great expense, and to the defeat of justice, and he had heard many objections urged against it both by members of the legal profession and by commercial men. He hoped, therefore, that the Attorney General would not proceed with these clauses.

The ATTORNEY GENERAL said, that if he were informed that the opinion of the mercantile community was adverse to these clauses, he should at once withdraw them, and proceed with the other clauses of the Bill. They were intended to improve and simplify the County Courts Act. He might mention an alteration of the existing law which would be effected by the 6th and 7th Clauses of the Bill. The judges of the local courts could now, in certain cases, commit debtors to the house of correction; and repeated complaints had been made to the Home Office by parties who had been so committed, that their hair had been cut close, and that they had been treated as misdemeanants. It certainly was not the intention of the Legislature that this should be the case; and he had introduced a clause providing that persons in such circumstances should be confined in the debtors' prison. But, as in some parts of the country the debtors' prison might be at a distance of twenty, thirty, or even forty miles from the court, and it was not likely the plaintiff would be willing to incur the expense of conveying the debtor to prison, he (the Attorney General) proposed by another clause, that when such inconvenience should be certified to the Secretary of State, the defendant might be imprisoned in a neighbouring gaol, subject to such regulations with regard to treatment as might be laid down by the Home Secretary.

Clauses 1 to 5 inclusive were then struck out of the Bill.

Clauses 6 and 7 were agreed to.

On Clause 8,

The ATTORNEY GENERAL stated, in reply to Mr. W. Patten, that he had introduced this clause to obviate the frauds which he understood were frequently committed upon creditors in consequence of a landlord's execution taking precedence of the writs of the local courts.

Clause agreed to.

On Clause 9,

Mr. FITZROY stated that he intended to propose a clause increasing the jurisdiction of the county courts from 20*l.* to 50*l.*; and with reference to that he now moved that words, empowering the Secretary of State to fix and regulate the fees to be taken in respect to that increased jurisdiction, be added to the 9th clause. The principle of the county courts had been described to be to bring cheap justice home to every door, and though political slang, in most cases, was not realised, he believed that the working of the county courts had been most beneficial. If that point were conceded, he could not understand how the extension of the jurisdiction to 50*l.* could be opposed; for it was as desirable to have 50*l.* worth of justice meted out cheaply at one's own door as 20*l.* worth. A step had been taken in the right direction to enable parties to recover their just debts without enormous cost; but he feared the Attorney General was not inclined for any further steps being now taken towards that just end. The limitation of the jurisdiction of these courts to debts of 20*l.* might have been desirable on their first establishment; but, after two or three years' experience, the advantage of the system had been most strikingly established. In the superior courts the costs in causes for the recovery of debts were extremely heavy; and he mentioned that a friend of his had been arrested for 85*l.*; and upon inquiry, it was found that that sum constituted the costs incurred by his friend in a vain attempt to recover 8*l.* He regretted that the Solicitor General was not now present; for on the last occasion of the discussion of this Bill, he expressed a hope that the jurisdiction of the courts would be extended. The only objection to his proposed clause which he anticipated, besides that which might be taken on account of the expected suffering of the attorneys' pockets, was one in reference to the necessary standing at the bar for these judges; but that might be obviated by substituting twelve years for seven years. He had no objection to the clause not being made compulsory.

Amendment proposed—

> "To add at the end of the Clause these words, 'and it shall be lawful for the Secretary of State in like manner to fix and regulate the fees to be taken under and in respect of the increased jurisdiction hereby given.'"

Question put, "That those words be there added."

The ATTORNEY GENERAL presumed that, if the present Amendment were negatived, the hon. Gentleman would not again raise the discussion by the proposition of his clause. He concurred with the hon. Gentleman in thinking that the working of the measure establishing the county courts had given great satisfaction to the public at large; but he deemed that it would not be safe, with the experience they had yet had, to extend the jurisdiction of the courts to 50*l.* without giving an appeal from the decisions of the judges. If the jurisdiction were so far extended without an appeal, he believed these courts, instead of giving great satisfaction, would create a perfectly opposite feeling. Their operation had been most beneficial because it had been confined to the recovery of small debts; and if their jurisdiction were to be extended, the hon. Gentleman's arguments in reference to bringing cheap justice home to every one, might just as well induce the Committee to extend the jurisdiction to 100*l.* or 200*l.* as to 50*l.*, and to allow questions of title to be decided in them. Though the courts had, in respect to a limited jurisdiction, worked beneficially, he was not prepared, without having some power and control over the judges, with the view of obtaining uniformity of decision, which was not so important where the amounts in dispute were small, to increase the jurisdiction of the courts to 50*l.*; and he should, therefore, oppose the Amendment.

Mr. WILSON PATTEN regretted to learn that the Attorney General intended to oppose the clause, for he had received a variety of communications begging him to support it, as many parties were willing to forego part of their claims when above 20*l.* in order to obtain the advantage of a decision in the county courts. It was true that with this proposed extended jurisdiction there ought to be an appeal to the superior courts; but that might be provided for by the introduction of a clause.

Captain PECHELL supported the Moion of the hon. Member for Lewes, and animadverted on the manner in which the judges of the county courts had been treated by the Treasury in respect to their travelling expenses, the tendency of which was to lower the judges in the estimation of the public.

SIR G. GREY said, in the early stage of the Bill the Treasury were reproached with great extravagance, and now they were blamed for making a very inadequate allowance. The only object which the Treasury had had in view was to make such arrangements as would secure the efficient working of the Act, and they certainly had not the slightest desire to degrade the judges. Although he admitted that the courts had fully answered public expectation, he still doubted whether they would work as satisfactorily to that class of suitors who had hitherto resorted to them in order to obtain a speedy remedy, after their jurisdiction should have been enlarged. At the same time, he was not prepared to say that after more experience, accompanied with those conditions hinted at by his hon. and learned Friend the Attorney General, it might not be possible to extend the jurisdiction; but of this he felt assured, that to attempt this in a hasty manner would be to defeat the object in view. The argument, in fact, of the hon. Mover seemed to be against any limit whatever, and would justify an extension of the jurisdiction to 100*l.* as well as 50*l.*

MR. SPOONER suggested that it might be well to insert a clause in the Bill, empowering the judges of the county courts to try cases up to the amount of 50*l.*, wherever both parties consented.

MR. MULLINGS admitted that these courts had worked most satisfactorily, but could not concur in the proposition to extend their jurisdiction to 50*l.* It should be recollected that the trial by jury—that was, by a jury constituted as the juries in the superior courts—was abolished by the county courts measure. However, he was willing to extend the jurisdiction to 30*l.* He thought the travelling expenses of the judges were fixed at too low an amount, and conceived that the Government would do well to increase their salaries to 1,500*l.* a year each, and let them then pay their own travelling expenses.

The ATTORNEY GENERAL said, that the Committee were about to divide on a serious question, which he did not think should be settled in this incidental manner, upon the addition of words which were not necessary. As the county courts were now constituted, there was no appeal whatever from them, and in different courts the decisions and the principles of the decisions rested on different grounds, so that in the Court of Queen's Bench and in the Exchequer endeavours had been made over and over again to obtain means to overturn the decisions—through writs, for instance, of prohibition—a most expensive course of proceeding. As the principle involved was great, he trusted the hon. Gentleman would not persist in his Amendment.

SIR J. GRAHAM thought the question whether the jurisdiction should be extended to 50*l.* one of very great importance, which ought not to be decided incidentally upon a clause not really raising the question, and upon words which the Attorney General held to be not really necessary. The hon. Member for Lewes had better raise the question in a more substantive form.

Committee divided:—Ayes 34; Noes 62: Majority 28.

The remaining clauses were agreed to.

Committee report progress; to sit again To-morrow.

REDUCTION OF PUBLIC SALARIES.

On the Order of the Day for going into Committee of Supply, Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

MR. HENLEY rose to move the Amendment of which he had given notice. He had had the honour to serve last year on a Committee to which the Government referred certain large branches of public expenditure; and this subject of salaries and wages paid to persons employed in the different Government establishments naturally came under the consideration of that Committee. In making a few observations on the subject, he wished it to be distinctly understood that he had no intention whatever of reflecting on any persons employed in the various departments of Government. It was his firm belief that Her Majesty had the good fortune in all the various departments of the country to have in her employment men as much distinguished by honour, integrity, zeal, and ability, as could ordinarily be expected to fall to the lot of any Sovereign; and he should be sorry indeed if those employed by the Crown were not as well, if not better, paid for their services, than those in any other employment, because he thought the best security for having public offices well filled, was to give adequate remuneration to those employed in them. In the report of the Committee to which he had just referred, there was a paragraph to the effect, that—

> "the Committee had not recommended any reductions of the public services which appeared in the estimates, but that after some consideration, discussion, and division of opinions, they thought such reductions might form part of the general revision of all salaries suitable to the altered circumstances and expenses and condition of the country; that they were of opinion that in the course of examination it would be found desirable to establish a uniform rate of remuneration for similar services performed in different departments."

With the latter part of that recommendation he would not trouble the House, but would confine himself to the former part, which expressed an opinion that the House ought to consider generally the salaries paid to the officers in the employment of the Crown, with reference to the altered circumstances of the country. The last time a general review of the financial circumstances of the country took place, was in 1830 and 1831, on the coming in of what was popularly called the "Reform Government" at that time. A Committee was then appointed to revise the salaries of officers, especially those in the higher departments of the State; but he was not aware that any inquiry of a general nature had since taken place. He would shortly call the attention of the House to the condition of the country in 1831 and its condition now, with regard to the expenditure, and with regard to the means of meeting that expenditure, and also to the prices of the various necessaries of life at that period and at the present moment. In this inquiry was to be found the first element of discrimination, in considering the question whether the present amount of salaries paid was just and fitting with reference to the altered circumstances of the country now, compared with what they were then. He would first call attention to the gross expenditure of the country, including the charges for collecting the revenue. In 1831 the expenditure was in round numbers 51,700,000*l.*; in the year ending the 5th of January, 1848, it was 58,990,000*l.* This was a very extraordinary increase; but perhaps he would be told that during that time there had been a great increase of the population. In 1831 the population was, in round numbers, 24,000,000; and in 1848 it would be, allowing the per centage for the increase in England and Scotland, he was afraid none could be allowed for Ireland, 28,397,000—showing in the population an increase of about 18 per cent, and in the expenditure an increase of 14 per cent. If, however, they were to measure the expenditure by the price of the various productions of the country—whether corn, or cloth, the cotton manufacture, or any of the staple articles of produce, it would be found, that, tried by this measure, the ratio of expenditure was 44 per cent. Take the average price of corn during 14 years, when the corn law existed, at 57*s.*, and the average price since at 45*s.*, and measure the expenditure in quarters of corn, they would find it amount to 44 per cent. This increase of taxation was evidenced by the continued increase of crime. It was clear that the burdens were increasing in a ratio beyond what the people could bear, and to show this he would shortly direct the attention of the House to one or two population and criminal returns. In 1831 the population of England—he would not include Ireland in the comparison, for the state of Ireland was altogether exceptional —was 13,897,000, and the criminals 19,647. In 1848 the population was 17,497,000, and the criminals 30,349. Now, he did not attribute this increase in criminals to any demoralisation among the people. He believed it was owing entirely to their distressed condition. This could almost be shown to demonstration, because, whenever there was a great cheapening of provisions, joined to plenty of employment, there was a remarkable diminution of crime. Cheapness alone did not produce this result, but it was produced whenever cheapness and employment were combined. When, therefore, he found at the present moment cheapness, but no diminution of crime, he was compelled to conclude that the taxation of the country pressed unduly on the people, and that it was their duty to lessen that taxation as far as they could consistently with the honour and efficiency of the Government of the country. During six out of the last ten years they had deficient revenues; and it was exceedingly doubtful on which side the balance would lie in the present year, though the Chancellor of the Exchequer flattered himself he was on the right side of the hedge. This was very significant as to the state of the country, and called for very minute inquiry. He was in a position to show, that in the period which had elapsed from 1831, when the public salaries were last revised, there had been on almost all the common necessaries of life a reduction amounting to 20 per cent, and he thought, therefore, he had at least a right to call for a diminution in the salaries of public officers of 10 per cent, thus enabling the employers and the employed to divide the advantage of those reductions between them. He did not attempt to effect a diminution according to the respective grades of those in office. He could only speak on general grounds, and propose one scheme of reduction for all, from the highest to the lowest; for he had never heard any good answer given why the system of reduction should not be carried down to the very lowest in the scale, exclusive, of course, of mechanics; for his object was to include only those who were paid by salaries, and not those whose employment might very much depend on the ordinary rules of supply and demand. Take, for example, the lowest class of salaried persons—the country letter-carriers—who were paid in his district 12*s.* a week, though he was told that in some places they were paid 7*s.* a week. They were usually taken from the class of labourers, and their ordinary walk was from eighteen to twenty miles a day. A carter, who was much more hardly worked, and walked much further with his horse every day, had 10*s.* or 11*s.* a week; and he, along with every other similar class, had long been undergoing a process of reduction of wages in conquence of the falling-off of prices. Now, he did not see why the letter-carrier employed by Government should not suffer the same reduction with the carter. In the case of labourers, the element of supply and demand came in as well as the price of commodities; but in that of the persons employed by Government, the rule of supply and demand did not come in at all. If they were to act in this case on the principle of being supplied in the cheapest market, he believed there would soon be a very different scale of reductions than that which he now proposed to the House. He did not mean to say that the reduction in the price of commodities was altogether owing to recent legislation. That fall of price would, to a great degree, have taken place if they had not legislated at all on the subject. The greater facilities of communication, the doing away with intermediate depôts, by which articles were brought directly from the producer to the consumers, the improvements in machinery, and the vast increase of competition, had all tended to a diminution of prices; but, in addition to these, there was the removal of duties on many articles of consumption, so that on almost every article that could be named a great diminution of price had taken place. The only thing he knew of in which no reduction of price had taken place since 1830 was an ash stick. An ash stick cost 6*d.* in 1830, and it cost the same still; but every other article had been reduced 10, 20, and 50 per cent. On this subject he would quote as a witness the Chancellor of the Exchequer, who, on a former occasion, contended that wages were not reduced more than the prices of food and clothing had been diminished, and that therefore the working classes were better off. Now, he (Mr. Henley) was not asking the House to reduce salaries to the full amount of the reduction which had taken place in articles of common use. He was only asking them to take off to the extent of one-half; therefore, according to the Chancellor of the Exchequer, those officers must be better off still than those whose wages had only not been reduced more than the prices of commodities. A correspondent of the right hon. Gentleman at Halifax stated that commodities had diminished in price 25 per cent, but that wages had not been lowered more than that amount, and that the parties were now better off. Now, as he did not propose to reduce salaries more than 10 per cent, he must be leaving the parties to whom his Motion referred in a better condition than the Chancellor of the Exchequer calculated, and therefore the right hon. Gentleman ought in consistency to give him his support. He would now come to the various departments to which this scheme would apply. There were five heads of revenue in the collection of which salaries were paid. In the Customs there was for salaries and wages, 1,042,274*l.*; Excise, 628,244*l.*; Stamps and Taxes, 378,125*l.*; Post Office, 552,089*l.*; and the Woods and Forests, 44,000*l.*; amounting altogether to 2,644,732*l.* as the sum paid for salaries and wages in the various offices in those departments. He found, under the head "Miscellaneous," various sums put down for purposes of education, law, and justice, colonies and consuls, and boards of health, including a sum taken for various commissioners appointed during late years, and which was charged upon the Consolidated Fund to keep it out of the annual revision of Parliament, this last being a sum of 183,700*l.* These payments amounted in all to 1,191,043*l.* Then, for diplomatic services there was 140,000*l.*; and for the Army, Navy, Ordnance, and Commissariat, there were sums amounting to 810,000*l.*; the aggregate amounting, in round numbers, to 4,700,000*l.* [Lord J. RUSSELL: Is the pay of the Army and Navy included?] No, nothing but the salaries of the Admiralty, the dockyards, and other departments of that kind. He did not include shipwrights, looking upon them as mechanics; and, indeed, he had throughout endeavoured to draw a broad line of distinction between those holding places and receiving salaries, and those whose employment was very much regulated by supply and demand. He did not assert that his calculations were altogether correct so far as the amount went; but whether there was 100,000*l.* or 200,000*l.* more or less, did not affect the principle of his question, which was, whether the parties included in the category he had named ought or ought not to have their salaries reduced in the manner he proposed. He would now state shortly what he had done to ascertain the different prices of various articles. It might have been very easy for him to take the common prices current, and quote the various reductions; but that would not have conveyed so clear a view to the House as the plan he had adopted, because in many cases the wholesale and retail prices differed very much from time to time. The retail prices, however, were what most affected the consumer, and he should therefore refer to them. The first article he should take was meat, and he found that in 1831 the best price of meat in Smithfield market was from 4*s.* to 4*s.* 6*d.* per stone; mutton from 4*s.* 8*d.* to 5*s.* 2*d.* The retail price now in the best price shops was reduced about 1*d.* or 1½*d.* per pound, being a reduction of from 10 to 15 per cent. Meat, however, as hon. Gentlemen were aware, was an article the price of which fluctuated very much from time to time, and upon which no man could predicate any steadiness of price for any lengthened period, because it depended not only upon the varying circumstances of supply and demand, like other articles; but, unlike other articles, a great deal of it was produced at a cost much greater than was received for it, for the sake of the manure which it produced; and the greater or lesser profit derived from the manure had a tendency to increase or decrease the production of meat. The consuming power of the country, too, was apt to increase and decrease suddenly; because, if the poor had anything like good wages at all, they consumed a great deal of meat. It was therefore very difficult to speak of the price of meat. With respect to bread, he believed it would not be denied that the price had fallen since 1831 25 per cent. The price of wheat in 1831 was about 60*s.* per quarter. The average of ten years was 57*s.*; the average now was 45*s.*, and he believed he was a sanguine man who expected it would continue at that. But, taking it as it was, it showed a diminution of 25 per cent. In the article of groceries there was a diminution of about 30 per cent. The course he took to ascertain the price of groceries was this—he got one of the most respectable tradesmen in town to copy out of his books the prices of the common articles supplied to a family in 1831-32 as compared with the prices in the present year. He obtained from that tradesman a list of fifty-two of the more common articles furnished by a grocer, and he found that the diminution of price amounted to about 25 per cent. He also applied to a party well qualified to give him information on the subject of the prices of articles of earthenware, china, and glass, and he found the diminution in the price of that class of articles amounted to about 20 per cent. With respect to furniture, taking feather beds, mattresses, plain mahogany tables, Brussels carpets, and the like, as fair representatives of the ordinary run of furniture, he found that the reduction of price amounted to about 20 per cent. This referred to articles supplied by first-rate tradespeople, whose profits, as the House was aware, had not diminished quite so much as those of the classes below them. In cotton goods he believed the diminution of price amounted to between 20 and 30 per cent. He spoke in the hearing of Gentlemen who would be ready to correct him if he was wrong; but he believed if he took the diminution in the prices of cotton goods at 30 per cent, it would rather be below than above the mark. Linen might be taken at 15 per cent; woollen, at 10 per cent; and hosiery at from 15 to 20 per cent. There was one article on which, although it was difficult to account for it, there was little diminution of price, and that was shoes. Although everything had been done to cheapen the price of shoes, yet no information he had been able to get had brought him to the conclusion that the price had fallen more than

4 per cent. It was true you could get shoes at all sorts of prices, but it was difficult to compare the quality. By taking the prices of the shoes supplied to Christ's Hospital at both the periods to which he referred, he found that the price had fallen only about 7½ per cent. With respect to beer, the price had sunk about 1*d.* per pot. What was formerly sold at 5*d.* was now sold at 4*d.* Wine was another article on which it was difficult to institute an exact comparison—because there again the quality varied so much—there being all sorts of wines at all sorts of prices; but from the best information he had been able to obtain, from parties who had been in the habit of buying the same quality of wine, he found that the reduction of price amounted to not less than 10 per cent. Many persons had stated it much higher. He might also mention the diminution in the cost of locomotion, which was very much greater than most other articles. They all knew that they now paid 3*d.* for an omnibus, whereas formerly they were charged 6*d.*; and he believed that that reduction was carried out all over the country. He was told that on the river a sail, which formerly cost 4*d.*, might now be had for 1*d.* No matter what it was, the universal principle seemed to be laid down, that in every relation of life there should be more work, and less money. There was only one exception, and that was to be found in the public offices, where the principle was only fulfilled in one of its conditions. He believed fully that more work had been imposed, but there had been no reduction of pay, though he did not see why public servants should escape from being placed in the same category with the rest of mankind. He believed that a reduction was necessary, because within the last thirty years there had been a continued increase in the value of money as compared with the price of goods—arising partly but not altogether from the change in our monetary laws. He was at a loss to understand upon what ground his Motion was to be resisted. If it was to be resisted on the ground that there had been a great increase of labour, he was ready to meet it by the allegation that that increase of labour had only been imposed upon public officers equally with the rest of mankind. If he looked to the agricultural labourer, who received the lowest amount of pay for his work—if he turned to the manufacturing districts, and saw how persons there were obliged to toil and work in order to make a living—if he looked at other classes of life, and saw the vast competition for employment, however humble—how difficult tradesmen found it, for instance, with their reduced profits, to obtain a subsistence for themselves and families—if he looked at all these classes, he could not see why public servants should be made an exception to the general rule. With respect to the clergy, the House had taken care that their income should vary with the price of corn, and at the time that that was fixed, neither the clergy nor those who were interested in them had the least idea of any law being in contemplation to prevent the possibility of an increase in their income. If the House wished to maintain the public credit inviolate, they must apply themselves to cut down the public expenditure in every way that could with justice be done. The Government told them that the number of public servants could not be materially reduced. They must, therefore, endeavour to reduce the amount of their pay. He implored the noble Lord at the head of the Government, and the right hon. Gentleman the Chancellor of the Exchequer, to consider whether it would not be wise to give way, on a matter of this sort, to the necessity of the times. He asked them to consider whether by a timely concession in this direction they might not stave off an inquiry of a much more difficult kind? He asked them, for the sake of the public service, to consider that. He begged them to recollect that they had now established the principle of buying in the cheapest and selling in the dearest market. He put it to them to consider whether, if the people were to continue—he would not say distressed, but to find it difficult to maintain their accustomed position—if they were to find their wages diminishing, and all sorts of employment decreasing, whether they would not find it difficult to stave off an inquiry of this sort? Therefore, upon all these grounds, he asked them to make what he believed to be a wise and just concession. He begged them to bear in mind, that although the population was increasing, their power of paying was not increasing in proportion. He begged them to recollect the state of Ireland, with respect to which the boldest could not look forward without fear, the most sanguine hardly with hope, nor the most timid without unmixed apprehension and alarm. It was not the poor alone who were struggling for existence in that country, but a large

portion of the higher classes as well. What, therefore, would be their feelings if they found the Government keeping up payments which, in their opinion, ought to be reduced? He asked them to consider whether it was possible that the present state of things could long continue, and whether every farthing they could save ought not to be saved, in order to get the Exchequer into such a state as would enable them to meet all proper demands upon it.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'a reduction of ten per cent be made in all Salaries in the Ordnance Department, and in all other Departments of Government at Home and Abroad.'"

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman, at the commencement of his observations, had stated that he meant no reflection upon any of Her Majesty's servants. He (the Chancellor of the Exchequer) never supposed that he intended it, nor that he was at all influenced by any personal considerations in the matter. He only hoped that, on the other hand, the hon. Gentleman would acquit him of being actuated by any personal considerations, and would give him credit for looking only to the general good of the country at large in resisting the Motion now proposed. The hon. Gentleman had said—and, in fact, it was evident from his Motion—that he meant to include all public servants in the proposed reduction, from the Lord Chancellor, who was the highest paid functionary, down to the letter carriers, some of whom, it had been said, received as little as 7*s.* per week. [Mr. HENLEY: I don't include the law.] If the hon. Gentleman was not to include the law, that would certainly give satisfaction to a large class of persons. [Mr. HENLEY: That will come afterwards.] Oh, this was only a first instalment, then! The House should then distinctly understand, that though the Law, and the Army and Navy were exempted at present, they would be included afterwards. He must say, however, that he thought it would have been far better, when bringing forward a sweeping measure of this kind, to state at once to what extent it was intended to carry it. The hon. Member for Montrose had said, that although he had put a notice on the Paper on this subject, he considered it so much the same as the present Motion, that he did not intend to press it, but would content himself with supporting the Motion of the hon. Member for Oxford. Now, what was the notice of the hon. Member for Montrose? It was, in point of fact, to place the salaries of public servants on the scale of the year 1797. The result of that would be, in many cases, to raise them above their present amount. On grounds of economy he should resist the proposal of the hon. Member for Montrose. The hon. Member for Oxfordshire had admitted that public servants were harder worked now than formerly. With great deference to the hon. Gentleman, he submitted that some consideration was due to that circumstance. On a former occasion, too, the hon. Gentleman said that he thought the Members of the Government the worst paid and the hardest worked part of the community. After that declaration, he (the Chancellor of the Exchequer) was surprised that the hon. Gentleman intended to include them in the reductions which he proposed to effect. The hon. Gentlemen had referred to the examination which took place in 1831. Every hon. Gentleman must be aware that that was a time when there was a great pressure for economy in that House, and when reductions to a considerable extent were effected. At that time, a Committee sat to investigate the salaries of the highest officers of Government, and made a very careful inquiry into the whole matter; and he should like to read to the House an extract from the report, showing the principle they laid down:—

"Economy, to deserve the name, must be rational; and no consideration of mere money can be set in competition with the paramount evident necessity of securing for offices of great trust and confidence the highest class of intelligence and integrity. It has been frequently observed, and the observation being founded on truth and reason should never be lost sight of, that offices in a free country should not be put beyond the reach of men of moderate fortunes. If salaries should be fixed too low, a monopoly would be created in the hands of the wealthy, the power of selection by the Crown would be most injuriously restricted, and the public would be deprived of the services of men of limited means, educated with a view to the pursuit of liberal professions—a class furnishing, more than any other, the talents and industry suited to official life. It should further be considered that the higher offices of Government require an entire devotion of the whole time and attention of those who fill them, that their own private affairs must necessarily be neglected, and that if care should be taken, on the one hand, to avoid the scandal of private fortunes amassed at the public expense, it is neither for the interest nor for the honour of the country, on the other hand, that they should be ruined in its service."

He (the Chancellor of the Exchequer) very much suspected that if they referred to the annals of the past, they would find that a large number of the higher officers of Government had been more nearly ruined in the public service, than had amassed fortunes in it. The result of the labours of that Committee was, that a considerable reduction took place in the salaries of the chief officers of the Government. The salary of the First Lord of the Treasury was not reduced; but the salaries of the Chancellor of the Exchequer and the Lords of the Treasury were. The salaries of the Secretary of the Treasury and the Secretaries of State were reduced 1,000*l.* a year each; the salaries of the Under Secretaries of State were reduced 500*l.* a year; the salary of the Lord President was reduced more than 500*l.*; that of the President of the Board of Control, 1,500*l.* a year; and that of the First Lord of the Admiralty, 500*l.* a year. With respect to all the other appointments of first-rate importance, the salaries were generally fixed at 2,000*l.* a year. The salary of the Paymaster General had been reduced the other day, on Lord Granville's appointment, from 2,400*l.* to 2,000*l.* per annum. The Committee of 1831 proceeded upon an examination carried on in detail into all the public offices, comparing the salaries with those of 1780; and the result was, as he had stated, a considerable reduction. The hon. Gentleman had said that the pressure of taxation was such that the people were no longer able to pay the present high salaries. But the hon. Gentleman forgot that a large amount of taxation had been taken off principally upon articles of general consumption. No less than between 7,000,000*l.* and 8,000,000*l.* had been taken off in that way within the last five or six years. The pressure of taxation upon the great body of the people had thus been greatly relieved. And how had the revenue been maintained? Why, by the imposition of a direct tax on income, which tax had, of course, been applied to persons holding official situations as well as to others, and included all who had salaries at and above 150*l.* a year. He begged to remind the hon. Gentleman also that a majority of the Committee who sat last year on the public expenditure, refused to concur in the proposal to reduce the salaries of the chief officers of Government. He found that on the division only two Gentlemen voted for a reduction of the salary of his noble Friend at the head of the Government. With respect to the great body of public servants, he was convinced that the salaries were lower in proportion than the salaries of persons of a similar description employed in private establishments. He undertook to say that many clerks in public offices were not so well paid as some domestic servants were. The hon. Gentleman had said that the Government had refused to make reductions in the number of persons employed in the public service, and therefore the salaries ought to be reduced. The hon. Gentleman was entirely mistaken in that, because he (the Chancellor of the Exchequer) stated distinctly the other day that there had been a great reduction in the number of persons employed, and that his belief was that the reductions might be carried still further, not only with economy, but with great advantage to the public service. The fact was, that within so recent a period as from 1833 to the present time, there had been 2,000 reductions in one department alone. The hon. Gentleman surely then must admit that he had wholly mistaken the purport of the statement which he (the Chancellor of the Exchequer) had made upon this subject. The next point to which it became necessary for him to direct the attention of the House, was one which he feared he did not very clearly comprehend. He confessed that he did not understand the principle upon which wages and place were to be distinguished one from another—he did not see the ground of that distinction which was sought to be established between the coast guard and the sailor—he was not able to understand how one was to be considered as holding a place, and the other as receiving wages. Further, it became a very serious question whether they ought not to make great sacrifices rather than expose persons engaged in the lower offices of the public service to the temptation which necessarily arose out of insufficient payment. It was notorious that many persons employed in the public service were very insufficiently paid. But then the hon. Member took the case of the postman of the village near which he himself resided, and he told the House that the ordinary wages of a carter in that neighbourhood were as low as 12*s.* or even 11*s.*, and he made it a matter of grievous complaint that the postman received a salary of 12*s.* a week. It was to be hoped the House would remember that a postman required higher qualifications and was more largely trusted than a carter. The carter need not either read or write; the postman must do both. The carter was not trusted to anything like the same amount as the postman; and when they were to take reading, and writing, and trustworthiness into account, he must be permitted to say that every reason was in favour of giving to the postman the higher rate of payment. In the West Riding of Yorkshire he found it impossible to obtain even unskilled labourers for less than 14*s.* a week; and he found it difficult to understand how persons employed by the Government should receive less. But in all these cases it would be impossible, and, if possible, it would be hardly safe, to attempt to carry out anything approaching to universal rules by which salaries were to ascend and descend according to the fluctuations that might occur in the value of produce. It should be one of the first objects of the State to secure the services of the best and most steady men who were to be found in the market, and that was only to be accomplished by fair remuneration and permanent employment. Such persons, if illiberally treated, could not be retained in the public service. Certainty of employment, and certainty in the amount of their salaries, were the only conditions on which their services could be continuously secured; and he professed his inability to understand how the views of the hon. Member opposite could be carried into advantageous operation. The Committee of 1831 gave what appeared to him the best recommendation which circumstances permitted with regard to the salaries of the higher officers; and it had at all times struck his mind that nothing could be worse than the perpetual fluctuations which the plans of the hon. Member opposite would have the effect of introducing. Again, he would say that he did not consider the public servants in any respect overpaid. It was his deliberate conviction that nothing could be more prejudicial, or in the end more expensive, than to subject the public service to such fluctuations as the hon. Gentleman proposed. Upon these grounds, and without going further into detail, he would say that he did not believe the servants of the State were more highly paid than was necessary to their adequate remuneration, and he should, therefore, resist the Motion then before the House.

MR. NEWDEGATE said, he should certainly vote for the Motion of his hon. Friend near him, notwithstanding all that had been said by the right hon. Gentleman opposite, the Chancellor of the Exchequer. It must, he believed, be obvious to every one who paid the least attention to the subject, that the value of money had been rapidly increasing ever since there had been a reaction in our monetary system. In the previous state of our affairs it was not necessary to raise these nice distinctions; but they were the unavoidable consequence of the system which the present Government had introduced. The Chancellor of the Exchequer told the House that they must have no fluctuation in the rewards paid to their public servants: that might be just enough in the abstract, but it was not a position that the Ministers could take up, for they had cut that ground completely from under them. They could not now tell the world, because they had repealed certain duties, that the labourer was therefore in any respect in a better condition than before. No labouring man could believe them when they said that his condition was improved merely because the Government had made certain things cheap; they lowered the price of the articles which he produced, and then coolly informed him that his condition was much improved. The country felt, and every man must soon be convinced, that the policy of Ministers was an impoverishing process. But to all this the Chancellor of the Exchequer thought he gave a triumphant answer when he said that in the West Riding of Yorkshire labourers were not to be had for less than 14*s.* a week. Now, he begged to inform the right hon. Gentleman that from Warwickshire he could supply him with thousands of labourers who would be only too glad to receive 10*s.* a week. It might be perfectly true that labour in the West Riding bore a price one-third greater than in Warwickshire; but that proved nothing with regard to the rest of England, and he entertained not a doubt that 14*s.* a week was very much above the common rate of wages in this country. He admitted the wisdom of that policy which declared that the servants of the State ought not to be exposed to temptation; but what had the policy of the Government done? In the year 1844 the monetary system had undergone a violent change, and in 1846 our commercial system was placed upon an entirely new basis. These changes they must look in the face, and meet in the best manner that circumstances would permit; and what did the Government do? They told every one that all prices must come down—to the landlords they said that rents must be lowered; to the merchants that they must carry on their commercial pursuits with less profit; to the manufacturer that he must do a less business, and that all grades of society must sink together. If so—and he did not deny that they made it so—then the lower classes, according to the plan of the Government, must sink the lowest, and be the greatest sufferers. Though his hon. Friend the Member for Oxfordshire was right in not adhering in his speech to wholesale prices, yet they must judge from wholesale prices of the return for labour, for it was represented by those prices. He found that 150 years ago, when the official value was the same as at present, it was taken as the measure of quantity—for instance, 100*l.* of official value represented the same quantity in corn, wool, and other articles. If they compared 100*l.* worth of declared value with 100*l.* of official value, then they would arrive at a positive conclusion as to their exports. In 1817 the declared and the official value were at par; the declared value being 41,817,540*l.*, and the official value, 40,111,157*l.* He would take an average of four years, from 1817 to 1820. In 1817 the official value was 40,111,157*l.*; in 1818, 42,702,068*l.*; in 1819, 33,534,176*l.*; and in 1820, 38,393,768*l.*; showing a total of 154,741,169*l.* In the same years the declared value was, respectively, 41,817,540*l.*, 46,470,863*l.*, 35,211,401*l.*, and 36,423,959*l.*, making a total of 159,923,763*l.*, and showing an excess of declared over official value of 3¼ per cent. He would next take an average of four years from 1829 to 1832. In those years the official value was 243,081,958*l.*, and the declared value 147,729,186*l.*, showing a depreciation of 40½ per cent. In the years 1845 to 1848, the official value was 525,949,255*l.*, and the declared value 229,952,468*l.*, showing a depreciation according to the declared value of 56½ per cent since 1820, and of 63 per cent according to the market value during those years. He would now refer to one or two other points in connexion with the Motion of his hon. Friend the Member for Oxfordshire, which he preferred to that of the hon. Member for Montrose. It would be remembered that he had resisted the first measure which rendered that reduction necessary. Hon. Members who agreed with his views said, that the Government had forced on the country measures which she deprecated; but as they had thus impoverished and weakened her resources, the Government could not expect her to bear those burdens which she had formerly submitted to. If Her Majesty's Ministers had adopted a wiser system of legislation, hon. Members on his side of the House would no longer ask for a reduction in the salaries, for then they would view such a reduction as unnecessary and unjust; but they said that the Government had by their ruinous policy impoverished all the produce of the land, and that if it were better the country should be poorer—if it were better that all poor men should be more poorly paid—then let them apply that policy to all. They could not persevere in that policy, for the people would become alive to its numerous consequences; and once they became sensible of its injustice there would be a clamour abroad which it would not be easy to silence, and movements which he feared they would not find it easy to control. He condemned that policy on the ground that it impoverished the producing classes of the country—that it took all means to depress him who was adding to his capital by labour, or, perhaps, whose labour was his only capital; and he supported that Motion—for he knew no means by which the great question could be brought before the House more fairly and more justly than by it. They were making the rich richer, and the poor more poor, The great social question was, had the pressure of the last year fallen with the greatest severity upon the rich or upon the poor? Let them take the two extremes of the scale. In the class where the incomes were 50,000*l.*—although the whole number had been but 20—two had, since 1846, been added to the class—while 1,481 had, within the same period, been added to the number of those who belonged to the 150*l.* class. They might for the present throw out the Motion of his hon. Friend; but of this no man could doubt, that it would return with a force and frequency against which no resistance could prevail.

Mr. VERNON SMITH had been one of the Members of the Committee referred to by the right hon. the Chancellor of the Exchequer, who had truly stated that they had not passed many resolutions on the subject of a reduction of salaries. Several Members had declined to vote, and with reason, for only the miscellaneous estimates were laid before them; and they thought that under those circumstances they should do an injustice if they made the reduction. Upon them alone the Committee had not given any opinion in favour of such a reduction—they only threw back on the House the responsibility of making such a recommendation. It was his opinion that public representation should urge on the Ministry the necessity of reducing the salaries, and that it would be well if they gradually corrected the many anomalies which existed under the present state of things; but he held that it would be most unjust to take off one-tenth of all those salaries indiscriminately. Let him refer to the history of the Committee in 1831 referred to by the Chancellor of the Exchequer. A popular outcry of economy occasionally pervaded this country—he was sorry that the feeling which gave rise to it was not more permanently engrafted in the minds of the people—and on the occasion of one of those outbreaks the Committee was granted by the incoming Government, who added a feather to their cap by being enabled to say that they were studying economic principles. He did not think that Committees ever sufficiently attended to details on such matters; and that Committee had adopted the principle of cutting a little off a high salary, and so on; but they had never thought of adapting the salary to the work performed. Now there were a great many anomalies in existence as regarded salaries. The Secretaries of the Treasury had a salary of 2,500*l.*; while the Under Secretary of State had 1,500*l.*; and the President of the Board of Trade (an office of some dignity) had only 2,000*l.* a year. Since 1831 the House had created some offices. He would take one for instance, the important duties of which were most ably filled by the President of the Poor Law Board. They had gone into the market and bought the best man. He was at the head of his circuit, and the gains from his profession were far more than those which he derived from his present office; but, prompted by a laudable ambition, honourable to himself and useful to his country, he accepted office. That was a case in which they had fixed the salary at 2,000*l.* per annum; and by such criterions the anomalies which existed could be easily corrected. He felt there was much in what had been said as to the comparison of the salaries of the Ministry in 1831, and that of the Ministry of the present day. They could now no longer go into the market and buy up the best men, and therefore they would reduce where the expenses of life had been reduced. Would any man in his senses say to his son who had ability to go to the bar, "Study politics as a source of profit?" He did not think that such a man could be found. He would here remark that there had been one recommendation made by the Committee which had been disregarded by the Chancellor of the Exchequer, namely, the correction of the anomaly of charging some salaries on the Consolidated Fund, and others on the estimates. He knew no reason why the Postmaster General's salary should not be included in the estimates as well as that of the Paymaster General—or the salary of the Tithe Commissioners as well as that of the Poor Law Commissioners. As regarded the principal officers of State, it must be remembered that there was a decrease in their style of living; that they need not now be surrounded by so much pomp as was used in 1831. Instead of a chaise and four to Windsor, the Prime Minister proceeded to Council with a day ticket. The hon. Member for Oxfordshire had stated that he would not include in his reduction scheme the Lord Chancellor or the law officers of the Crown. [Mr. HENLEY: Those are patent offices.] Does the hon. Gentleman exclude all patent offices? [Mr. HENLEY: I do.] If the hon. Gentleman intended to apply the pruning knife to the salaries of those persons only who had embarked in irksome but most useful occupations, relying upon the faith of the country for a certain income during their lives, he could not follow him. Many of those persons had insured their lives, or had made other prudential arrangements whereby they had parted with portions of their incomes; and was the 10 per cent to be deducted upon their full salaries, or were inquiries to be made into all engagements of this kind to ascertain whether they should be exempted or not? He considered that this was a matter which required minute investigation, either by the Government or by a Committee, and he would prefer to see the duty undertaken by the Government, upon whom he thought the responsibility ought to rest On the grounds he had stated, he must decline to vote for the whole of the resolution, which seemed to proceed upon no principle but to decimate the emoluments of the most useful and the least laborious public servants alike. Then how did he distinguish between patent offices (of which by-the-by the Lord Chancellor was not one) and offices understood by custom to be *durante vitâ*?

MR. ROEBUCK would say a few words upon this Motion, because he did not mean to vote upon it. His reason for not voting was, that he might be mistaken. The reason why he did not support the hon. Member for Oxfordshire, was because he sincerely believed his Motion was an unjust one. He did not wish to impute motives to the hon. Gentleman, but it appeared to him to be what somebody had called "a flash in the pan." It appeared to be exceedingly deceptive; it bore economy on the face of it, and yet if it was real in its character, it never would be opposed. It was opposed now. Why? Because certain things had been done in this House with respect to various measures of the Government by which corn and other things had been made cheaper. And this, then, was to be the counter blow to the Administration who had been supposed to have rendered cheap various commodities. Could the hon. Member for Oxfordshire really intend this to be a practical Motion? If he had come to the House and said, here is a thing which is unnecessary, will you vote against it? he would have gone out with him. If the hon. Member had come and said, here is a place overpaid, he would have gone with him; but when the hon. Member came and said all salaries, without exception, are to be taken and reduced ten per cent, was was not he (Mr. Roebuck) bound to inquire whether all salaries were overpaid—whether all working men were overpaid? He was bound to say that it was not the case. That was the chief argument that he had against the whole system, that there was a most unjust inequality in the way of payment; and hon. Gentlemen who were willing to keep up that which they considered requisite to the state and dignity of the nation, would be the first persons to oppose him if he pointed out what were the sinecures to maintain that state which surrounded our feudal dominion. Was a poor man, who worked from ten to six, to be reduced in his salary and expectations, and sent home 10 per cent poorer? He said it was a shame upon the House, it was a shame upon common honour and honesty, when they accompanied it with such a mode of proceeding regarding high offices. The hon. Gentleman excepted the Lord Chancellor, and said it was a patent place. He (Mr. Roebuck) did not care whether it was a patent place or not. The question was, was the man overpaid for the labour which he performed? If he were overpaid, cut him down to the proper and just salary, and every one that had more than enough for the purpose, cut him down altogether; but to take this wholesale way precluded their acting upon it, and that was his great objection to wholesale proceeding. To show the hon. Gentleman's inconsistency, he took the case of a letter carrier, whom he called a placeholder; he said that his carter did as much work as the letter carrier. What was the difference between an artisan in a naval dockyard and the letter carrier? They both did certain service, and good service, for which both were paid. The hon. Gentleman reduced the letter carrier, but not the artisan in the dockyard. What could be the agreement between one part of the proceeding and the other? If it were just to bring down the letter carrier, it must be requisite to bring down the artisan in the dockyard; if it was not requisite to bring down the artisan, it was not requisite to bring down the letter carrier. This unfortunate letter carrier was a very responsible officer, although a humble one. We depended upon his regularity in carrying that paper which was fraught with the hopes, the expectations, the sorrows, and the happiness of mankind; and this man who bore all this responsibility was to be like the common carter, and this was the way they were to deal with all classes of labourers. He would say of the labourer of the State, as he said of all other labourers, and quote the old scriptural rule, "The labourer is worthy of his hire." He would fix that rule to all the offices of the State, commencing with the highest—he made no exception—and would then go from the highest in proper natural and regular gradation; but when the hon. Gentleman went on in his strange way, sweeping off all men as with a sword, and making everything alike without reference to how they were paid or what they performed, he said there was no justice in this proposal, and because it was an unjust proposal he opposed it. He wished the House not to believe that he said that here which he had not said before his own constituents. They had asked him the question, "Will you reduce all salaries?" What was his answer? "No." Why? "Because some are underpaid, although some are overpaid. I will pay all men who do what the State requires. I will give enough to have the office well performed; they who well perform their duty, I will pay well; they who do not, shall have no pay; and those who do little, very little pay." Those men who lived by honest labour understood that statement. He must say one thing about one class of public servants. There were a great number of public servants so called who were engaged to maintain the splendour of the Government. He thought that the honour on that occasion was quite sufficient pay. There was so much of distinction in this matter, that he could well allow distinction to be the reward; and if the hon. Gentleman would only begin with those high offices, he would get much more popularity than he was likely to obtain by his present proceeding, and, he would answer for it, more justly. Let him begin with those curious offices, the remains of the feudal times. The offices of grand falconer, the master of the horse, the lords and ladies of the bedchamber. If he would begin with that class of official servants, he (Mr. Roebuck) would answer for it that he would meet with a vast deal of sympathy. When he spoke of the poor letter carrier, he owned he had no faith in his notions of econony.

Mr. H. DRUMMOND was surprised that the hon. and learned Gentleman should have concluded with a recommendation to curtail the salaries of persons whom he did not pay, who were not paid out of the public funds, and some of whom were not paid at all. He (Mr. Drummond) considered that Her Majesty's Ministers and their friends had to thank themselves for this Motion. They had boasted that they had reduced the prices of all commodities 50 per cent; but was not that tantamount to raising their own fixed salaries 50 per cent? He remembered that the ground of raising the Judges' salaries was, that it was difficult to get men of eminence at the bar to fill those important offices. When Sir Samuel Romilly was in the full height of his practice, and when he and others were making very much more than the salary of the Lord Chancellor, it might have been exceedingly difficult to induce men of such eminence to accept judicial positions. This, he thought, was a sufficient reason for excepting the Judges; but he believed, also, their salaries were fixed for life by Act of Parliament. It had been said they ought not to introduce the commercial principle into public life, and to get the Government of the country jobbed at the cheapest rate; and in that he fully agreed. He well remembered, when Lord Sidmouth was Secretary for the Home Department, reading in the *Edinburgh Review* a comparison between the salaries paid to the Ministers of this country and of America, greatly panegryising the system of the Americans, who, it was said, got their Sidmouths for 300*l.* a year, and their Crokers by the gross for nothing. He wished to see the Chancellor of the Exchequer boldly grappling with this question, and proposing a measure which would reduce every income, from the very highest down to the lowest, and from which he would not exclude the income of any rich man in this country, whether he held public office or not. He had alluded to this subject before, and he was more and more convinced that they must shift the public burdens from the low to the high, and that they must take among the high, not mere placemen, as they were called, but all who had large incomes—who were, in common parlance, called the rich, and must lay a larger burden upon them than they did at present. He could not refuse to vote for this Motion. He knew that a great many persons, when Motions of this kind were brought forward, said, "We are delighed with the Motion—but then." There was always a "but," and for a measure of financial reform of any kind, there were always nineteen "buts" out of twenty Members.

Mr. HUME said, that in reply to his hon. and learned Friend the Member for Sheffield, he thought he could show that a reduction that was intended to be applied generally could not be unjust, and that on general principles the public had a right to be served at as low a rate as any other employer. He believed that on all similar occasions a distinction had been made with regard to those who received weekly or monthly wages, and he hoped that rule would be followed in the present case also, and that these men would be excepted. But he would ask his right hon. Friend, who called this an unjust Motion, whether he thought that up to 1845 or 1847 the public servants had been properly paid? If they were well and properly paid up to 1847 and 1848, would it be said that their salaries were not proportionally higher now, when the means of living were reduced 15 or 20 or 30 per cent below the amount at which they then stood? If he could have brought forward his Motion, he would have asked the House to pledge itself that all new salaries to be hereafter declared should be on a scale commensurate with the altered condition of the times; but, unfortunately, he had not been able to bring that Motion forward. He did not agree with the whole of this Motion, and yet he would vote for it as a pledging the House to reduce the expenditure. Four great Motions had been brought forward on this subject. In 1821, the House unanimously agreed to an address to the Crown, "to consider all increased salaries granted to individuals since the year 1797." They were then told that reductions could not take place, in consequence of the increase that had taken place in the cost of provisions. The Government of that day appointed a Committee, who inquired into every department of the State. In 1831, another Committee was appointed by the Whigs, and to that Committee he had the honour to belong. The object of that Committee was, that the salaries should be reduced as much as possible, taking into account the effect of these combined periods of increase. He well recollected the time when a landed gentleman of 1,500*l.* a year was somebody; but now, collectors of excise, and secretaries of public departments, who were formerly considered to be well paid at 400*l.* a year, topped them with their salaries of 2,000*l.* or 3,000*l.* Mr. Croker, he recollected, at one time received 4,000*l.*—the landed gentry of 1,500*l.* a year had been reduced to insignificance. The right hon. Member for Northampton stated that it was now a ruinous concern to enter into the public service. He did not agree with the right hon. Gentleman, for he knew many gentlemen in flourishing circumstances in the public service, who never would have earned their bread and butter elsewhere. But he did not think it was fair to look at exceptions either one way or another; and certainly he did not think that because the late Sir Samuel Romilly commanded large fees, that therefore the Lord Chancellor should retain the salary he now had. He did not know any situation that was more overpaid than the Lord Chancellor's; and he did not know any profession that was more overpaid than the lawyers. [An. Hon. MEMBER: The bishops.] That was a question which must be reserved for another Motion; but if they brought down all other establishments, the bishops must come down too. But the greatest evils had arisen from the increase of lawyers' fees. Because a few individuals made immense incomes, the whole of the profession thought themselves entitled to raise their fees, till now you could not look a lawyer in the face under 2,000*l.* or 3,000*l.* a year. But the time must come when lawyers would be content with being looked at for the same price as other people. Their fees would either be diminished, or their practice would be less. Neither did he see why the Judges should be exempted from the present Motion. He could point to a learned individual who had amassed a large fortune—who was at the head of his profession—and who was at last made a nobleman and a Judge; and he believed that few men who ever sat on the bench were more inefficient. Yet he was the best man that was ever employed to plead before a jury. On the other hand, he could point to an individual who was formerly Solicitor General in this House, who had been very unpresuming in his deportment while here, without displaying any brilliant talents—that individual had since been raised to the bench, of which he was now one of the brightest ornaments. For his part, he considered that the Judges were all overpaid; and though an increase was made in the salaries of the Scotch Judges—for which they owed him no thanks, for he did all he could to oppose it—he was of opinion that in Scotland there was as much delay in the administration of justice as ever. If all other establishments were reduced, the income of the bishops and the diplomatists must likewise come down. He supported the Amendment on the ground alone that, if carried, it would be a pledge in favour of economy and retrenchment, which the Government would do well not to disregard.

MR. HERRIES begged to state the reasons which would compel him to vote in opposition to the Motion of his hon. Friend the Member for Oxfordshire. The hon. Member for Montrose had stated that he would support the Motion, because he regarded it as a pledge on the part of the House to economy. Now, with regard to economy, the House could give a pledge at any time, without at the same time doing an act of injustice to individuals, or of mispolicy to the public service. His hon. Friend was mistaken when he said that no progress had been made in reducing the expenditure of the public service. According to the statement made the other evening by the Chancellor of the Exchequer, a progressive and considerable diminution had taken place in the number of persons employed. In the three great departments the number of persons employed was 9,083, with an aggregate salary of 962,000*l.* In 1849 the number was 7,027, at an aggregate cost of 715,000*l.*, showing a reduction of 2,056 in the number of persons, and 247,000*l.* on the amount of salary. The ratio of that reduction on the amount of salaries was 28 per cent, while the reduction in the number of persons was only 22 per cent—so that it would be seen that there was a greater reduction in the salaries than in the persons employed. Now, while the amount expended in those departments (the Excise, Stamps, and Taxes) was 715,000*l.*, and the total number of persons employed 7,029, the average salary of each person was only 101*l.* 14*s.*, and the proposition before the House was, to take 10 per cent off those salaries—the effect of which would be most materially felt by parties having only 70*l.* or 80*l.* a year; and as the average was only 100*l.*, the great majority of salaries must be under that sum. The hon. Gentleman had argued as though the salaries had continued the same ever since 1831, but that was not the fact; inquiries having been constantly instituted, either by the Government or that House, into the salaries of the various departments, and reductions having throughout the period from 1831 been gradaally but surely carried out. Ever since the establishment of peace, the period referred to by the hon. Member for Montrose, there had been constant inquiries and investigations on those subjects. Partly undertaken at the instance of the Government, and partly from the pressure of that House, from the year 1815 to the present time, there had been constant Commissions and Committees of Inquiry. In the year 1817, in 1821, in 1828, in 1830, and in 1831, inquiries had been instituted, and in the latter year reductions were effected in the heads of departments on the amount of 143,000*l.* to the extent of 21,000*l.* per annum, being at the rate, not of 10 per cent, but 16 or 17 per cent. Notwithstanding these reductions, they had not been standing still since 1841, but there had been since successive reductions in the public departments. There was one inquiry into the Excise, in which great reductions had been made, both in the number of persons employed and the salaries. In the year 1840-41, when his right hon. Friend the Member for Tamworth came into office, considerable reductions were effected in the Customs; and since that time the Chancellor of the Exchequer had told them, by recent arrangements, a further reduction had been made, and there were more in perspective. All these circumstances his hon. Friend had omitted to consider in bringing forward his Motion. He seemed to think that there had only been one scale of payment from 1815 to 1831—and another from 1831 to the present time. He found from a very able book, *Porter's Statistics of the British Empire*, that there had been considerable reduction in the expenditure of the nation since 1815. The total number of public servants employed in 1815 was 27,365 in all departments, and the salaries amounted to 3,768,000*l.*; while in 1835 (the latest period of which he had any account) the number of persons had been reduced to 23,500, and the salaries to 2,786,000*l.*, showing a far greater reduction in the amount of the salaries than in the number of the officers—the diminution in salaries being 25 per cent, and in the number of persons about 14 per cent. At the commencement of the periods to which he had referred, the average of salaries amounted to 130*l.*, and at the close the average was only 114*l.*, being a large diminution in the average rate of salaries. To show the attention that had been paid to these matters, he might mention that he found the reduction in the salaries between 1831 and 1835 to be no less than 269,000*l.* Now, in 1835, the price of corn was much lower than in the present year, being at 39*s.* After that it rose, and in 1839 the price was 70*s.*, but there was then no proposition to increase salaries. If they were to regulate salaries by the price of corn, they must look to an alteration almost year by year, and they would be having corn salaries instead of corn rents—a system which would be most detrimental to the interests of men with 60*l.*, 70*l.*, 80*l.* or 90*l.* a year. A great part of the expenditure was fixed, and they could not go to their landlords, with whom they had made agreements for seven or ten years, and say, "My salary has been reduced, and therefore you must take 10 per cent off my rent;" neither could they go to the assurance office through which they were endeavouring to make a small provision for their families, and ask for a reduction of 10 per cent in the premium. There were also many other fixed charges which they could not reduce. The hon. Member who had brought forward the Motion, had supported it on the ground that an alteration had been made in the salaries between 1831 and the present time; but the hon. Member for Warwickshire differed from him, and advocated the change, in order to make salaries conformable with prices which had been established by the recent commercial policy of that House. He (Mr. Herries) was not prepared to say what might be the effect of that policy; but he was prepared to say that it had not yet induced such reductions in the necessaries of life as to justify that Motion, and therefore he was not prepared to vote for taking off ten per cent from official salaries. His right hon. Friend on the other side of the House said that the Committee on the Miscellaneous Estimates did not recommend anything of the nature of the Motion then before them; but they recommended what was wise and just, that the whole subject should undergo inquiry, with a view to a fair and equitable reduction. Had his hon. Friend brought forward a Motion of that kind, namely, for an inquiry into the public expenditure as involved in official salaries, with a view to their adjustment according to the present state of things, he would have gone heartily with him, and voted for it. Then, again, his hon. Friend had made various exceptions, the justice of which he could not see. If the principle of the reduction was good, he did not see why it should not be applied to all parties. He could not see why the Army or the Navy should be excepted, and especially he could not see why the Lord Chancellor and Judges were to be excepted. Surely it could not be justice that 9*l.* or 10*l.* a year should be taken off the salary of the clerk with 90*l.* a year, and nothing off that of the Chancellor. If an inquiry were instituted into the salaries of the Government officers, he had no doubt that they would find some that were too highly paid, but they would find many that were paid much too low. It was impossible to serve in any Government office without bearing testimony to the zeal, ability, and fidelity with which the duties of the subordinate offices were performed—in fact, the public service was carried on with greater fidelity, despatch, accuracy, and economy in this country than in any other country in the world. He had occasion, some time since, to look into the expenses of a neighbouring country, and he was astonished how different the expenses and the numbers employed were in England and in France, their expenses being much more, and their revenue much less, than that of this country. Since that time the expenses had been increased; but the time to which he alluded was before revolution and democracy had had its full swing; and he then found that, on a revenue not exceeding 44,000,000*l.* or 45,000,000*l.*, the collection cost no less than 6,000,000*l.*; while the revenue of this country, amounting to 58,000,000*l.*, was collected at an expense under 4,000,000*l.* Surely, under these circumstances, they ought not to treat their public servants lightly, and make sweeping reductions in their salaries without due inquiry. The hon. Member for Montrose supported this Motion, on the ground that it was a pledge to the country of economy; but he begged them to recollect at whose expense the pledge was made. Out of 22,000 or 23,000 public servants, upwards of 20,000 received less than 100*l.* a year, and this pledge must be made at their expense. The Chancellor of the Exchequer, the other day, told them that the average of the salaries paid in the Excise, the Stamps, and Taxes departments amounted to 101*l.*; but those in the Excise alone gave an average of 93*l.* only. He hoped and trusted that the House would look to all these things, and consider that the interest of the *employés* was the interest of the public, for without good servants they could not collect their revenue at 6 or 6½ per cent with safety and precision, the instances of breach of trust being extremely rare. He thought that some attention ought to be paid to the interests of these men; and here he might call attention to the fact that in a report made by the Minister of Finance of France, he explained that the reason why in England the revenue was collected at 6 per cent, while in France it cost 14 per cent was, because the efficiency and zeal of the public servants in England was so much superior to that of any other country. He always differed from his hon. Friend with the greatest regret, and therefore he could not give a vote against a Motion brought forward by him without stating his reasons at some length; and, in conclusion, he would only again implore the House not to sanction the Motion before them.

Mr. MUNTZ said, that it would be well for hon. Members to consider with regard to this measure, the crying complaints of the people of England, who considered that some reductions ought to take place in the expenditure. He had no difficulty in voting for the measure before them, though he could have wished that it had been framed in a different manner, so as to include every person from the top to the bottom of the tree—though he should not object to some measure by which those with the lower salaries should be relieved from the effect of the reduction. If they were to wait until they could have a perfect measure, they would never have any measure of reduction at all. The policy of the Legislature was to make this the cheapest country in the world. It might be so for those who had fixed salaries and annuities, but it would not be so for those who had to get their living by their labour. He thought that, as they were making reductions in the price of living, there could be no difficulty in making reductions in the public salaries. He thought that the Motion of the hon. Member for Oxfordshire would make no great reduction in all conscience; and he would ask on what principle of justice or policy it could be opposed? He took it that their policy had affected materially both the tradesman and the workman. He would ask any tradesman whether, within the last few years, his profits had not been reduced more than 10 per cent, and any workman who was employed on piece work, whether his wages were not more than 10 per cent less than they used to be? An advance had taken place in the salaries of public officers when prices were high, and they ought to go back now that their policy had reduced those prices — the only objection there could be made to that proposition being that the officers now did more work than they formerly did. They ought to place the servants of the public in the same position as those who employed them; and the people out of doors looked to the success of this Motion as a kind of test to determine whether the public servants were to be placed in the same position as themselves. If an alteration took place in the price of commodities, all classes of workmen connected with the manufacture suffered. He would take the iron trade, for example. The price of iron rails was formerly 14*l.* per ton, and it was now only 5*l.* Now, he ventured to say, that there was not a man in the iron works, from the foreman down to the lowest boy, that did not feel the effect of that reduction. It might be hard—and, no doubt it was—that the boys and those receiving low pay should have their wages reduced; but the ironmaster must go upon principle, and reduce everybody in equal proportion. Government must do the same, and every one employed under it must be reduced. If this was to be the cheapest country in the world, they must do their duty and bring down the expenses of the Government—for though he did not wish to see any of the public officers underpaid, he considered that those who had seats in that House would not be doing their duty if they did not support this Motion for reduction. To show the reductions that had been effected in the necessaries of life, he would take the article wheat, respecting which they had so often had discussions in that House. Wheat was reduced 30 per cent in price, and he ventured to say, that other things would, ere long, retrograde in an equal degree; and he could not see why the Minister, and those below him, should not also have their salaries reduced. He might be obtuse, and not understand the application of the principle; but he knew that if he was in his own factory he would understand it, and his men would comprehend it also—that if there was a decline in prices they must all share it proportionately, and that if there was a rise, a like result must take place in the opposite direction. Under all the circumstances he felt that he should not be doing justice to his constituents, who were suffering under the effects of the legislation of that House, if he did not support the Motion.

LORD J. RUSSELL: Sir, those hon. Gentlemen who have supported this Motion have all done so—I think every one that has spoken—saying that they did not quite like the Motion—that they wished it were something different from what it is—but that, upon the whole, as it was for a reduction, and as it proposed economy as its object, it was desirable that the Motion should be supported. Now, I own I do not think, if that is the opinion of hon. Gentlemen, that it is a good way for the House of Commons to adopt a Motion which its supporters think objectionable, and leave it afterwards to be discovered how such a Motion can be carried into effect. The hon. Member for Montrose usually says upon these occasions, "Let us reduce things to the level at which they were in 1792 and 1793, and cut off those increased amounts of salary which have been added since that time." I observe that he did not use that argument to-night; but the hon. Gentleman who spoke last said that if there has been a great increase in prices, and salaries have been increased upon that ground, and afterwards prices become much lower, then it is a natural principle in carrying on business to reduce these salaries, and to make them correspond to the prices of the necessaries of life. But the fact is, taking first the higher salaries of the State, that they have not, as the hon. Gentleman supposes, increased from the period when there were not those high prices, remaining now at those rates; but they are, generally speaking, lower salaries and lower emoluments than they were before these high prices. I therefore think that the hon. Member is extremely prudent in avoiding that which usually is his favourite argument. Now, take the principal offices of the State, and which were reported upon by the Committee of 1831. The First Lord of the Treasury, they state, has a salary of 5,000*l.* a year, which is the same as in 1780; but in 1780, and previous years, the First Lord of the Treasury, the Prime Minister of the day, generally held some other office—some sinecure office—or if he did not, there were generally sinecure offices, some amounting to 3,000*l.* or 4,000*l.* a year, which he gave to his sons or his family. That was the condition of the Prime Minister in former times. With regard to the Secretaries of the Treasury, they had in 1780 upwards of 5,000*l.* The Home Secretary in 1782 had 8,148*l.*, and in 1793, 8,733*l.*; the Secretary for Foreign Affairs in 1782, 8,148*l.*; the Colonial Secretary, when the office was first established, had 6,000. So that it would not answer the hon. Gentleman's purpose to say, "Let us reduce these salaries to what they were in 1780; we should then get lower salaries, and we should have the public service more economically performed." On the contrary, these higher salaries have been settled, first, at 6,000*l.* generally, and afterwards at 5,000*l.*, in pursuance of the report of that Committee. Now, I should say, with regard to these salaries and these duties, that the principle upon which the Committee of 1831 went—the principle upon which the House of Commons ought to go—is directly the reverse of the principle which the hon. Gentleman proposes that the House should adopt to-night, namely, they considered whether the services would be sufficiently well paid, and whether they could be efficiently performed at certain salaries; and having formed their opinion upon that, they fixed those salaries at an amount very much below what they were in 1782, and lower than they have been in previous times. But if you were to go upon any other principle, the hon. Gentleman, I think, ought to see in what confusion he will place all these public offices. There are some of which the salaries were fixed before the war; there are others which have been inquired into only during the last year, and those salaries have been fixed according to the estimate of what the duties were that were to be performed. If you say you will take 10 per cent from each, you are evidently not doing the same justice to different offices. That which the hon. Gentleman may think proper with regard to one, he certainly would not think proper or wise with regard to another. The office of the Home Secretary was inquired into last year by a Committee of official persons, who reformed the whole establishment, and settled what they thought were the proper salaries for the several persons belonging to the office. That, of course, was with a view to the prices that prevailed at that time; and it would be quite inconsistent with that arrangement to make another reduction now, after those salaries had been fixed according to what was supposed to be the proper remuneration for the duties. But beyond this, there comes the objection which the right hon. Member for Stamford has stated, and which I think is the strongest objection of all, namely, that you are proposing to carry this reduction into effect with regard to a great body of persons who have but very small salaries—100*l.* or 150*l.* a year—and you are not taking into consideration at all the amount of duty performed for those salaries. The hon. Gentleman says that everybody is to have his income lowered. I am not aware of that. I am aware that the right hon. Gentleman the Member for Tamworth said, when he proposed the income tax, that he would take 3 per cent from every income above 150*l.*, and that he expected, by the measures he then proposed, and meant afterwards to propose, there would be such a reduction in the prices of the necessaries of life, that persons would be compensated for the loss of the 3 per cent. That was a fair expectation; but then, that was to apply to all the different classes of the community. If you took 3 per cent from the official clerk in the Treasury or the office of the Secretary of State, you took the same from the man who had property in the funds, or property in land. But now, take this case: here is a person who leaves a certain sum in the funds, giving a certain income to one of his sons. Another son has entered a public office, and working up his way by industry, and zeal, and intelligence, has got from 80*l.* to 160*l.* or 170*l.* a year. From the first you take 3 per cent, but from the second you would take 13 per cent—3 per cent under the head of income tax, and 10 per cent under this proposition that is now made. Now, that, I say, is not a fair and just estimate of public service. I do not think that the man who is endeavouring to earn his livelihood — a man in a public office, who is showing zeal and intelligence, working every day for many hours, ought to be treated in a worse manner than those who are enjoying an income for which they do not make those exertions. If the hon. Gentleman were to say, "These clerks are too highly paid—their salaries are excessive," that is a reason for inquiring into them; and no one, I think, would object to an inquiry, if it were shown to be necessary. As I have stated with regard to the Home Office—I could state the same with regard to the Treasury—there have been such inquiries within these two years; with regard to other offices, there have been such inquiries within these ten years; with respect to the Stamps, large reductions have been made; and there are other offices which were inquired into in 1831 and 1832, and altered when Lord Althorp was Chancellor of the Exchequer, and very great reductions made. It may be quite proper to make inquiry with a view to further reductions; but to come with one sweep and say that every one of these salaries should be reduced—that a salary which is hardly sufficient, and which, if a Committee of this House were to look into the case, they would say was hardly remunerative, should be cut down in the same way with an office which, upon inquiry, might be found to have an excessive salary—that does seem to me an absurd way of proceeding, and one which the House of Commons would not be justified in taking. Then, let us consider further, before agreeing to this proposition, what are to be the consequences. The hon. Member himself says he will not touch the Law. I own I think the proposition of the hon. Member for Montrose, whether right or not, goes upon a much more just principle; for he says, "I will not touch the Law, so far as salaries are secured to men who have accepted office on the faith of their being continued for the rest of their lives; but as to the future, I will touch them as well as any others." If the salaries of the Judges are to be reduced, and of the Chancellor—though I will not say the Chancellor, because he holds office during pleasure—that is the just principle upon which they should be reduced. But why should they be left alone, as the hon. Gentleman proposes? That a Judge with 5,000*l.* accepting office six months hence should not be subject to reduction, but a clerk entering a public office and receiving 80*l.* a year should—I must say I think there is no justice, no fairness in that. But then there is another question. If you were to hold, "We will suit salaries to the duties performed, the labours undergone, the responsibility borne," then you might say, "It is quite right to reduce several officers; they are too highly paid; but it will not be just to reduce the pay of the Army and Navy; their services are of a different kind, they are not too highly paid, and their pay shall remain untouched." I can quite understand that with justice such a principle could be adopted. But if you say that you will take the price of provisions as your rule, and that every kind of pay and salary shall be reduced in proportion to the reduction of the price of provisions—that you will go into the question of what a chair costs, and what a table costs, and what the articles of grocery cost—I cannot see that there is any justice in reducing all civil salaries, and not reducing the military and naval pay at the same time. I think, if this plan were carried out, those who would be for a reduction of the pay of the Army and Navy—reducing every officer, every soldier, every seaman, 10 per cent—would have a case which it would be almost impossible to answer. But that is a very serious question—taking 10 per cent from every soldier in the Queen's Army, and every sailor in the Queen's service, is a question which the House ought well to consider before they adopt it. I own it appears to me that the right way of reduction—the true path of economy—is to consider what are the services to be performed, and whether the pay is too great and the salary too high for those services; and if it is too high, then to reduce it; but to make a reduction of 13 per cent (3 per cent income tax, and 10 per cent by a vote of this House) from every salary—I own there appears to me to be no justice in such a principle, and that, if it were carried, you would find it involve you in other questions that would be exceedingly difficult, leading to inextricable confusion; and, therefore, I trust the House will not adopt such a plan by its vote.

Mr. WODEHOUSE contended that the prospects of the country had been entirely changed by the adoption of the policy of 1846. In a pamphlet written by Mr. Kerr, it was mentioned, that the loss of protection should stimulate the tenant; and it then made reference to "the physician who had taken away the blood." Now, "the physician who had taken away the blood" was not at present in the House, but the tenantry could not forget the language which that physician had used in the year 1842, when he said, "Continue your improvements; I cannot undertake to guarantee to you a particular price, but so long as corn is under 51*s*., you shall not be exposed to the importation of foreign corn." He was aware of the proposition, shadowed forth on high authority—that of the right hon. Member for Stamford—of an imposition of a fixed duty on corn; and though the right hon. Baronet the Member for Tamworth had compared men who would advocate that imposition to him who would "sell his birthright for a mess of pottage," yet he would refer the noble Lord at the head of the Government, and the right hon. Baronet the Member for Ripon, to the memorable words of Mr. Huskisson, uttered in the year 1821. ["Divide, divide!"] He was not in the habit of obtruding often on public time, but as the House seemed impatient, he would conclude by giving his support to the Motion.

MR. SPOONER would not have troubled the House with any observations, if he had not thought that the motives of the hon. Mover were misrepresented, and some of his statements misunderstood. There was no man more willing than his hon. Friend to raise all salaries which should be proved to be underpaid, nor was any man more willing to enter upon an inquiry relative to the over payment of the higher offices of State. But this was not the proposition at present before the House. His hon. Friend had laid down this principle—that a very great change had been made in the whole commercial policy of this country, and that the class of persons to whom he had alluded should not be exempted from a diminution of salary. It was no answer to refer back, as the right hon. Gentleman the Member for Stamford had, to the year 1815, and to display a great amount of official knowledge in pointing out the diminutions which had taken place from time to time. The House must bear in mind the great change effected in our commercial policy, and the necessity of giving satisfaction to the country by making that altered policy bear equally on all classes of the community. His hon. Friend, in exempting one of the great professions from the operation of his Motion, meant merely to exclude men who held their situations by Act of Parliament; but if the noble Lord chose to reduce the salaries of Judges to be appointed hereafter, his hon. Friend would have no objection to any arrangement of that kind. [MR. HENLEY: Hear, hear!] The noble Lord had, however, said that if the Motion were carried, the pay of the Army and Navy ought to be reduced; but the money pay of the Army and Navy was of comparatively trifling moment. They were found in clothes and provisions. They were not affected by the prices of the day; all that affected them was the margin of money they received, and for the payment of which a regular contract had been entered into with them. He fully agreed with the observations which had fallen from the hon. Member for Birmingham, because they were well-timed, and appropriate to the nature of the debate; but he found fault with the right hon. Gentleman the Chancellor of the Exchequer, and the hon. Member for Montrose, for having manifested a desire to lead the House from the real consideration of the question at issue, by making allusions to the Currency Bills of 1797 and 1817. He believed the currency question had very much to do with our present state of distress; and at the proper time he would be prepared to discuss it. But at present they must bear in mind that the Motion had no reference to the currency. They had established the principle of low prices. They had said to the producer—"You must be content with low prices for your produce." They had said to the labourer—"You must not grumble with your low wages." They had carried out that saying to every class in life except themselves; and he, for one, protested against such an exemption, and called upon the House to do an act of justice by adopting the Motion.

MR. AGLIONBY said, that this was one of those Motions upon which the votes of hon. Members were very likely to be misunderstood unless some explanations were offered. He disagreed with one of the short, pithy sentences of the hon. Member for Birmingham, in which it was stated that the whole country was looking to this Motion. He (Mr. Aglionby) did not believe that the country cared one farthing about it. He professed himself to be as good an economical reformer as any hon. Gentleman in that House, and he was strongly of opinion that the Motion was not intended to have any practical result. It was one of those ordinary clap-trap Motions which led to nothing; and though he himself had sometimes voted for clap-trap Motions, he certainly should not give his support to the present one. The hon. Member for Montrose had said that he would vote for it because it pledged the House to something; but the fact was, that it pledged the House to nothing; and, if it pledged them to anything, it was to something bad. In the course of the anti-corn-law debate which had taken place, it had been asserted that wages were reduced. He denied that wages were reduced in the agricultural counties. ["Oh, oh!"] He spoke from experience, and he wished every hon. Member to do the same. He stated a fact when he declared that in his own county—the county of Cumberland—wages had not been reduced; nay, more, that the farms sold were fetching as good prices now as they had done heretofore. But then it was observed that matters were different in the south of England, and that 20 miles from London wheat had been selling at 42*s.* per quarter. Why had it sold at that price? Because it was unfit for the food of man. When wheat had been selling at 36*s.* and 42*s.* per quarter in the south, it had fetched 60*s.* and 62*s.* per quarter in Carlisle market. What did they say to that? If bad harvests and bad farming had caused the decline of prices in the south, all he could say was, that within the last month it had sold for 56*s.* in the north; and if farmers were satisfied with 56*s.*, what necessity was there for a return to protection? He repeated that the same wages were continued to be given in the north which had been given in years past—that there was no alteration, and that there would not be any alteration. Now, the present was a sweeping Motion to reduce salaries, and instead of the country looking to it as a remedial measure, they would view it as something quite monstrous. If it were brought forward in a practical shape, and if it were intended to reduce the salaries of some particular parties who were overpaid, he would go as far as any one in endeavouring to effect that reduction. He believed the noble Lord at the head of the Government had not been clearly understood upon this point, and, if so, it was very desirable that he should repeat his remarks for the information and satisfaction of a considerable number of the admirers of his policy in that House. He understood the noble Lord to say that a Motion to inquire into and revise the salaries of the heads of public departments would be worthy of attention, but that to a sweeping Motion of the present kind he could not lend his support. Believing that the Motion would lead to no good, and that it was calculated to mislead, he—though he might subject himself to some censure—should vote against it, and one of his reasons for opposing it was, that he did not like Motions of the sort coming from those whom he did not trust.

MR. GOULBURN felt called upon to make a very few observations on the subject, and he trusted the House would allow him shortly to do so. He believed the Motion of the hon. Member for Oxfordshire was founded on injustice. The Motion, in the first place, applied to the higher offices of State, which were held during pleasure, and seldom or never for more than a limited period. It might be a matter of subordinate consideration whether they reduced the salaries of the holders of that description of office or not. If they reduced this class of salaries, they would no doubt find persons among the aristocracy who would amply discharge the duties of those offices, but that they would get men of superior talents from the inferior orders to accept such offices, he decidedly doubted. Under these circumstances, it would be objectionable to adopt any course which would prevent their calling into the public service such a valuable class of persons. It would be most objectionable virtually to say that you must select all the holders of the higher offices from the aristocracy. With respect to the lower class of public officers, he conceived his hon. Friend had not sufficient public experience of them to enable him to speak of their services. He would venture to say that no class of men were so much entitled to the consideration of Parliament as the body to which he had just alluded. He not only alluded to the laborious discharge of their duties, and to the services which they rendered to the public, but to the perfect reliance that could be placed in their integrity and honour; and during his long public life he never knew of a breach of confidence on their part. The rapid changes which took place in the Government of this country rendered it necessary that perfect confidence should be placed in the officers of public departments; and he could confidently appeal to those who had held high offices whether they ever knew an instance of the business of the Government having been betrayed. He did not think the House should be a party to inflict an injury on such a class of men. The hon. Gentleman said that salaries should be reduced because they had been raised at a time when prices were high, and very recently prices had fallen. The hon. Member also spoke as if nothing had been done in this respect. Now, the fact was, that in 1821 the House agreed to an Address to the Crown praying that a minute investigation should be instituted into the expenditure of the civil service. The following was the resolution at that time adopted:—

> "That an humble Address be presented to His Majesty, to assure His Majesty that we have regarded with satisfaction the measures which have been taken by His Majesty's commands for a general revision of the Department of the Customs in Great Britain; and to entreat His Majesty to give directions that a similar investigation may be extended to all the other branches of the Revenue, in order to render its collection more economical, and its management more efficient; that, for the purpose of affording a further relief to the country, His Majesty will be pleased to order a minute inquiry into the several Departments of the Civil Government, as well with the view to reducing the number of persons employed in those Departments, which, from the great increase of business, were augmented during the late war, as with reference to the increased salaries granted to individuals since the year 1797, either in consideration of the additional labour thrown upon them during that period, or of the diminished value of money; and further, that His Majesty will be graciously pleased to direct that every possible saving which can be made, without detriment to the public interest, shall be effected in those more extended establishments which the country is obliged to maintain for the safety and defence of the United Kingdom and its dependencies, and more especially in the military expenditure, by a reduction in the numbers of the Army, and by a constant and vigilant superintendence over that and all the other Departments connected with the application of the ample supplies granted by this House."

The result was, that the salaries had been reduced, and the superannuations and allowances had been greatly modified. Then, in 1849, the hon. Gentleman came down and said, because the same salaries were now paid to public officers which they received in 1831, they should make a comparison between the expenses of living at the two periods, and as food was cheaper now than then, all salaries should be reduced.

Mr. COBDEN said, that on a former occasion, when the hon. Gentleman the Member for Oxfordshire brought forward a Motion similar to the present, in which he proposed to apply a reduction to one office of the Government, he voted with him upon the distinct explanation and understanding that he did not intend by that vote to reduce the wages of the humbler servants or clerks. He (Mr. Cobden) now thought it more important than ever then to explain the way in which he intended to vote, because the hon. Gentleman had gone further than he did before, for he had professed to carry out those reductions even to so low a class of public servants as the humble postman. He thought the hon. Gentleman would be disposed, upon reflection, to depart from that principle. He was assuming that the agricultural labourers were getting 10*s.* a week in Oxfordshire, and the postman 12*s.* a week in London. He wished to see the wages of agricultural labourers raised. He wished to see them raised to 12*s.*; but, under any circumstances, whether as a private employer, or as a Member of that House, acting for the public weal, he would not take part in any attempt to reduce the wages of any man who was receiving 12*s.* a week. He applied the same principle to porters and messengers. He could not be a party to reduce those small salaries by any means; and the hon. Gentleman had done an injury to his cause by dwelling upon that part of the question, for had he pointed attention to the higher salaries, the financial reformers probably would have agreed with him, and he would have had much greater success with his Motion. But the hon. Gentleman, when he had more experience as a financial reformer, would understand better than he did at present how to frame his Motion. He (Mr. Cobden) was of opinion that the higher offices of this country were excessively paid, and that 5,000*l.* a year for any Cabinet Minister of the Treasury bench was more than sufficient. He would, as he had stated on a former occasion, go further than 10 per cent, so far as the Treasury bench was concerned. When the general range of profits and prices were so much like in this country to what they were in others, why should we pay our official men double the salaries of other official men in other countries? Take the United States. ["Oh, oh!"] But the United States was a great empire, second to ourselves in maritime importance, and therefore he was not speaking of a country insignificant in extent or influence. The four Principal Secretaries of State received 1,250*l.* each annually in the United States. They corresponded with our Secretaries of State in this country. They had men like Webster, and Clay, and others, who filled those offices; and there were none on the Treasury benches of that House who would think that he deteriorated from their merits by comparing them with the men of America. He would take our diplomatic service. Our Ambassador at Paris got 10,000*l.* a year. Our Ambassador at Austria got 9,900*l.* a year. Our Minister at Spain got 6,500*l.* a year. Well, the United

States did not pay their highest diplomatic functionaries more than 2,500*l.* a year. Now, had we one Ambassador or Minister abroad who would consider it derogatory to his dignity to be compared with Mr. Bancroft, the American Minister to this country? Had we a superior man to Mr. Bancroft? Had we a man who, apart from his profession, stood higher in public opinion than Mr. Bancroft? Why, then, should we continue to pay our Ambassador at Paris 10,000*l.* a year, when the Americans paid their Minister here 2,000*l.* only, and only 2,000*l.* to their Minister at Paris? Now, he did not propose to reduce our salaries for official men to the scale in America. If they took 10 per cent off those salaries, they would still leave them twice as high as the Americans paid; and if he was answered that this was a monarchy and America was a republic, all he could say was, that he wanted to see functionaries here do something for their loyalty. Now, this was a class of salaries that he thought might be reduced. There were others also that he thought might be reduced, but into which he would not enter at that late hour. He thought there were many of our public servants who might be dispensed with altogether, and that the hon. Mover had made a great error in losing sight of the great number of supernumeraries that we have. The noble Lord at the head of the Government had stated that former Prime Ministers and other officers of State held sinecure offices, and that they had given offices to their sons. Well, but he (Mr. Cobden) did not think that our Ministers of the present day lost sight of their relations altogether—and he must say that the great amount of patronage at the disposal of our Ministers ought to be considered some compensation for the loss of their office. And there was another point. We paid retiring pensions in this country. In America they had no retiring pensions. Now, whilst he proposed to vote for the Motion, he hoped he would not be thought one of those who would make a sweeping reduction of 10 per cent on all salaries. He believed that the hon. Mover did not know what he proposed to do. We had 20,000 persons now getting under 100*l.* a year. Did he propose 10 per cent reduction on them? He would have a general strike among them if he did. He (Mr. Cobden) was far from believing that there would not be an advance of wages. So far from agreeing with hon. Gentlemen opposite that the alteration in our commercial system had tended to reduce the demand for labour, he prophesied that we were going to have a better demand for labour. Under those circumstances they could not effect this general reduction of 10 per cent; and, therefore, while he agreed in wishing to see a general reduction in the higher class of salaries, while he repudiated what was said about the reduction of the humble postman, he would vote for the Motion with this understanding, that the question to be put to the House would be this—" That the words proposed to be left out stand part of the question." If this was negatived, then the hon. Gentleman's Motion would be put as a substantive Motion, and he (Mr. Cobden) would propose to add the following words as an Amendment:—

> " That a Select Committee be appointed to inquire into the number of servants employed, and the amount of salary paid to them, with a view to the reduction of persons so employed, and such a reduction of salary as was consistent with the public service."

He would subject each department to a specific inquiry, and he would have an honest Committee appointed, not by the Government, to carry out the object in view, which was that of a rigid supervision.

LORD J. RUSSELL wished to make an observation on a remark made by the hon. Member for Cockermouth. His hon. Friend appeared to think that he had said, he had no objection to a general inquiry into the salaries paid at public offices. What he had intended to say was, that he should not object, when it appeared that any case for inquiry was shown, and that it would be deemed expedient to do so. He had said that he had not objected to an inquiry into the Home Office, which had taken place last year, and which had led to reductions to the extent of 3,000*l.* a year.

MR. BRIGHT felt some difficulty with regard to the Motion of the hon. Member for Oxfordshire. If he voted for it, it would be with the view of expressing an opinion that public officers were unnecessarily highly paid. But he thought the Motion proposed by the hon. Member for the West Riding afforded a far better course for the House to pursue. An indiscriminating lessening of salaries could not be justified unless there was an investigation into every case; and that investigation would be useless into a certain class of salaries from 12*s.* to 30*s.* a week, unless it were intended to apply the principle to them also, and to that he objected. The tendency throughout the country, at present, was to raise not diminish wages. He understood that the question before them was, that all the words after the word "that" be left out, in order to add the Motion of the hon. Member for Oxfordshire. If the question that the Speaker leave the chair be negatived, and the Motion affirmed, then he believed his hon. Friend the Member for the West Riding could propose his Amendment in lieu of that Motion. If that be true, then all those Members who wished for inquiry should vote first with the hon. Member for Oxfordshire, and then, if the House resolved that the Speaker should not leave the chair, it would be competent for them to vote for the proposition of the hon. Member for the West Riding.

Sir W. JOLLIFFE observed, that the hon. Members for Manchester and the West Riding made the same speeches in 1846 they were making now. They then promised the mechanics and labourers of the country that high wages and low prices were coming. But here was the year 1849, and instead of that prophecy having been fulfilled, they had low wages as well as low prices. But it was not merely that wages were reduced, in many places there were none at all. He could point to hundreds of mechanics who used to earn 3*l.* or 4*l.* a week, and who now considered themselves fortunate if they got one day's work to keep them from starving. He fully admitted the claims of the public service, and the country had reason to be proud of it; but there were other claims to be considered. Look at the public Exchequer. Look at the Chancellor of the Exchequer. Seeing that wages were diminishing, he thought that some bold and sweeping measure was necessary to protect the public credit.

Mr. BRIGHT asked the Speaker to explain the exact nature of the question upon which the House was about to divide.

Mr. SPEAKER said, that the original question before the House was, "That he (the Speaker) should now leave the chair;" since which it had been moved as an Amendment, that all the words after the word "that" be left out for the purpose of adding certain words proposed by the hon. Member for Oxfordshire. If the original Motion should be negatived, then the words proposed by the hon. Member for Oxfordshire would become the question before the House, and it would be competent for any hon. Member to propose an Amendment upon that substituted Motion.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided;—Ayes 149; Noes 102: Majority 47.

List of the Noes.

Adair, H. E.
Alcock, T.
Archdall, Capt. M.
Baillie, H. J.
Barrington, Visct.
Bennet, P.
Beresford, W.
Blackstone, W. S.
Blair, S.
Blewitt, R. J.
Bright, J.
Brisco, M.
Broadley, H.
Buck, L. W.
Burghley, Lord
Burrell, Sir C. M.
Buxton, Sir E. N.
Carew, W. H. P.
Chichester, Lord J. L.
Clay, J.
Clifford, H. M.
Cobbold, J. C.
Cobden, R.
Codrington, Sir W.
Conyngham, Lord A.
Currie, H.
Deedes, W.
Devereux, J. T.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Duncan, G.
Edwards, H.
Egerton, W. T.
Ellis, J.
Ewart, W.
Fagan, W.
Farnham, E. B.
Fellowes, E.
Forbes, W.
Fuller, A. E.
Goddard, A. L.
Gooch, E. S.
Gwyn, H.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Headlam, T. E.
Heald, J.
Henry, A.
Heyworth, L.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hollond, R.
Hood, Sir A.
Hume, J.
Jolliffe, Sir W. G. H.
Kershaw, J.
Knox, Col.
Lennard, T. B.
Locke, J.
Lockhart, W.
Lopes, Sir R.
Lushington, C.
Meagher, T.
Martin, J.
Miles, W.
Mitchell, T. A.
Morris, D.
Mowatt, F.
Mullings, J. R.
Muntz, G. F.
Norreys, Sir D. J.
Nugent, Sir P.
Packe, C. W.
Palmer, R.
Pechell, Capt.
Perfect, R.
Pigot, Sir R.
Pilkington, J.
Portal, M.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Sotheron, T. H. S.
Spooner, R.
Stanley, hon. E. H.
Strickland, Sir G.
Stuart, J.
Taylor, T. E.
Tollemache, J.
Tyrell, Sir J. T.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wawn, J. T.
Willcox, B. M.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.

Henley, J.
Newdegate, C. N.

Main Question put, and agreed to.

SUPPLY—ORDNANCE ESTIMATES.

The House then went into Committee; Mr. Bernal in the chair.

On the Vote for 361,895*l.* for Pay, Allowances, and Contingencies, of Ordnance Military Corps,

MR. HUME said, that as the report of the Committee on the Ordnance Estimates had now been received, he trusted the Government intended to make some statement of what they intended to do.

COLONEL ANSON assured the hon. Member and the Committee, that it was from no disrespect to him or them that he had not made such a statement. He should have been happy to avail himself of the opportunity so to do, but wished in the first instance to hear if any objections were made to the estimates. He thought that the report, ably drawn up as it was, would be of absolutely little use to the Committee until the evidence had been appended to it. If, however, hon. Members would turn to the last page of the report, they would find recommendations of the Committee that the Government should take the matter into their consideration during the recess; and he had no hesitation in saying that the Government would certainly take into their most serious and deliberate consideration all the recommendations which had been made by the Committee. But at the same time it would not be right in the Government, or any Member of it, to enter into a pledge to carry out any particular recommendation. With respect to Vote No. 1, the Committee had not recommended that there should be any reduction in the military force of the country. Upon Vote 2, containing the commissariat and barrack supplies, the Committee reported that they had "noticed the increased charge to the public arising from the system recently adopted by the Treasury in regard to the troops in Ireland, although this does not appear in the Ordnance Estimates, and they have suggested the expediency of reverting to the mode of supplying the troops previously in use." He believed that in the answers he had given before that Committee, he had expressly stated that that was also his opinion. At the same time he must bear his testimony to the manner in which this department had been conducted, and he had no reason to believe that the system was different now from what it had been. The Committee further reported, under Vote 3—the Ordnance Office—that they believed "that any improvement in the practical working of the office can only be effected by the Executive Government, and by the co-operation of persons familiar with the details of business now transacted by the Ordnance." They also recommended that "the warrant of 1825 should be revised, and that the control of the Treasury over all salaries and new appointments should be rendered complete." In that department large powers had been exercised with great discretion, but he did not know that any great objection could be offered to an alteration in the mode of procedure. The Committee then recommended, under Vote 4—the Ordnance and Barrack Establishments—that "the number of artificers and workmen in the manufacturing departments, at Woolwich and elsewhere, should be fixed according to the wants of the service in time of peace, and that no addition should be made without the written sanction of the Treasury." Now, it was very difficult to fix the establishment in this department, for the extent of it must depend upon emergencies; and it happened that very large alterations, as in guns and the carriages for them, were made in one year, so that the establishment fixed for that year was unfit for another. At the same time, it was of course right and proper that this establishment should be brought specially under the consideration of the Treasury, and that no increase whatever should take place without their sanction. There was another recommendation of the Committee with respect to the establishments in the colonies, to the effect that "some of the establishments in the smaller colonies in the West Indies and Canada should be dispensed with; and the Committee are of opinion that in Canada, with the present improved means of communication by steam and railroads, the concentration of stores at a smaller number of stations might be sufficient for the supply of the force to be maintained there." It could not, of course, be the object of the Government to keep up unnecessary expenditure, and he would only observe, as regarded the department to which he had the honour to belong, that the supreme authority in that department, the Master General of the Ordnance, had upon every occasion evinced the utmost anxiety to avoid superfluous expenses. Every inquiry should be made as to the necessity for maintaining some of these establishments, and he had no hesitation in saying, that the Government would take this recommendation of the Committee into their consideration, and that, in some respects, it might be complied with. Under the vote No. 6, being for the Ordnance Stores, the Committee reported in these terms:—

"Your Committee direct the attention of the House to the large sums expended for these stores. The value of Ordnance stores at present in the custody of the department (exclusive of barrack stores) amounts to 6,420,000*l*, Your Committee cannot pretend to regulate the quantity of any articles which should be kept in store; but they recommend that the stores should be made to approximate more nearly to the wants of the service in time of peace. The large sums at various times expended for the purchase of stores, which are now obsolete, prove the expediency of maintaining a small stock of the more durable as well as of the perishable articles. The facilities which this country possesses of obtaining a large supply in the event of an emergency, might, in the opinion of your Committee, relieve the Ordnance from the necessity of keeping so large a stock; and the more rapid means of conveyance, both by sea and land, which has enabled mercantile establishments to reduce their stock, might in a similar manner be rendered conducive to public economy. Your Committee recommend an inquiry into the present system of keeping the store accounts, in reference to which they have received some valuable evidence, a summary of which is to be found under Vote No. 3."

He confessed he was not surprised that the Committee had expressed this opinion regarding the amount of stores, amounting to between 600,000*l*. and 700,000*l*.; but a great portion consisted of the most bulky and costly kind, which had of late years become obsolete by the introduction of different armaments. If the two classes of stores—those fit and those unfit for service—had been separated, the apparent amount of these stores would have been considerably reduced; and that would have been also a better way of showing the actual amount of effective stores on hand. Supposing the value of them to be half a million, for example; if they were brought into market he feared they would not fetch that price, and a deteriorated value had of necessity been put upon them. There might, no doubt, be some truth in the remark in the paragraph he had just read, that the facilities now possessed by the country of obtaining a large supply on an emergency, lessened the necessity of keeping a large stock; and that by the more rapid means of conveyance stores might be obtained more easily than formerly, and the Government would well consider that part of the question. It was all very well to say that we were in a time of peace. We were at peace, and he trusted we should remain so; but the House would remember that when he had previously submitted these estimates we had also been at peace. In 1846, when he first brought them forward, they had been prepared by the Government of the right hon. Baronet the Member for Tamworth, by whom it had been thought advisable to recommend to the House an increase of force. The present Government could not, certainly, be held responsible for that; but they adopted the estimates of their predecessors because they deemed the measure wise and prudent. Again, in 1847, there was another increase proposed by the present Government in the artillery force—they having thought it necessary to proceed in the same course. And what were the circumstances of that year? Were they so peaceable as to induce us to alter our establishments, or was there anything in 1848, in the aspect of affairs, either abroad or at home, to cause us to reduce those establishments? In his opinion the aspect of affairs at that period was not so favourable as to justify the Government in proposing to Parliament any reduction in our military force, or in the establishments necessary to maintain them. He was satisfied that the Government would take this subject into their most serious consideration, and would carry out any measures of retrenchment which they might deem advisable. With respect to the items under Vote 6, the Committee were of opinion that they "should be further subdivided; and that it was desirable that the amount annually required for the purchase of timber, of iron, ordnance, and of gunpowder, should be separately stated." He said they would find the estimates drawn up and arranged under distinct heads, in a clear and simple form, carefully prepared by persons of experience appointed by the Treasury for that purpose. With regard to new buildings and repairs, the recommendation of the Committee was, that—

"No work should be commenced by the Ordnance, and no estimate for any new work should be submitted to the Treasury, without the previous sanction of a Secretary of State officially communicated to the Board of Ordnance. Before this authority is given, it is most important that a fixed plan, with a detailed estimate of the whole work, should be submitted to the Secretary of State, who is called on to record his official sanction on the part of the Government. Your Committee believe that this regulation, by fixing responsibility on a high officer of State, would tend to secure the public against needless expenditure, and they do not apprehend that it would prevent or retard the construction of works which may be necessary for the due protection of our own shores, or for the future maintenance of our maritime power and commercial interests. Your Committee do not intend by this recommendation to supersede the ultimate control and final responsibility which, after examination of the plan and estimate, will still attach to the Treasury."

He had no hesitation in saying that that recommendation was very prudent and wise. It was not the course usually followed, yet as the Master of the Ordnance was generally a Member of the Cabinet, and therefore acquainted with the views of the Cabinet, his sanction of an estimate might be taken as the sanction of Her Majesty's Ministers. But still the Committee had thought proper to recommend that no works ought to be undertaken without the written sanction of the Secretary of State, and to that recommendation he could see no objection whatever. Their recommendations with regard to the works in detail were contained in the body of the report itself, as the Committee passed in review the various works required at the different establishments abroad. Bermuda was the first that received their attention, and for the works on that island the vote required this year was only 4,948*l.*, certainly not a very large sum, considering the importance of the place on which it was to be expended. It would seem that the total estimate for these works was 60,892*l.*, in addition to the sums that had already been expended upon them. Sir John Burgoyne, however, was of opinion that this sum of 60,000*l.* would not be sufficient probably to put the defences in so complete a state as could be wished. That was only his opinion. Earl Grey, when examined before the Committee, stated with regard to these works and the course to be taken with regard to them—

> "That he considered Bermuda a most important station for the protection of our trade, and for the defence of our West India possessions. He is, however, of opinion that no new work should be commenced at Bermuda, because he has been informed that Lord Dundonald, the admiral on the station, and Captain Elliot, the governor, recommend an alteration in the system of defence. The plan sanctioned in the year 1824 is said to be insufficient at the present time, and it has been suggested that a flotilla of steamers would afford the most effective means of defence. Colonel Reed, the former governor, who is also an engineer officer, has given to your Committee an opinion quite opposed to this view."

So much at variance were the opinions given before the Committee on almost everything connected with the island. In the opinion of some, the defence of the island might be committed with great advantage to a flotilla of steamers, by that means superseding the necessity and the expense of permanent works. He should think, however, that taking into account the original expense of these steamers, the ever-recurring expense of repairs, and the great number of men that must be kept up to man them, they would be found much more costly in the end than the construction of permanent defences. This conflict of opinion in the Committee rendered it necessary that Government should institute an inquiry into the defences of that island, and he was instructed now to say, that that was the course which Government had determined to pursue. Now, as to the money required to be voted this year, although Government was desirous not to spend a farthing more than was necessary, still the sum of 4,900*l.* would be necessary for the works in progress which had already received the sanction of the Treasury. The sanction of the Treasury having been sent out to continue certain works begun, by this late period of the Session one half at least of the money must already have been spent, and therefore he hoped that the hon. Baronet the Member for Southwark would be content with the withdrawal of half the sum put down for the works in progress, and the undertaking of the Government not to commence any new works until due inquiry was made. But he was sure he would have the concurrence of the hon. Members for Montrose and for the West Riding, in thinking that economy would be best attained by putting the works in progress in a secure state of completion immediately. As to the vote for the Ionian Islands, the House might suppose, from the way in which it was inserted, that it was for new works; but he had to assure them that it was only for the continuance of works in progress. He begged the hon. Baronet to look to the recommendations of the Committee, and to consider that, unless in the case of wanton expenditure, they would hardly have ventured to advise arresting the progress of the works at Bermuda, the Mauritius, or the Ionian Islands. Let the House grant the votes required of them for the present year, and it would remain for them to see whether the Government, when they came forward next Session, had done their duty in attending to the recommendations of the Committee, and it would then be in the power of the hon. Members for Montrose and the West Riding to take the sense of the House, if they thought necessary, on the conduct of the Government. But he desired them to attend to this single fact, that the Ordnance Estimates were less than the amount voted last year by 20,000*l.*; and the hon. Member for Montrose would find that there was a difference of 500,000*l.* between the present estimates and those asked for in 1848.

Mr. HUME said, the hon. and gallant Gentleman had attended to everything but just that on which he wished him to have animadverted: he referred to the number of the artillery. The Committee, it was true, did not take into consideration the increased votes for this arm of the service: it was not their duty to consider what was the number of artillery that ought to be maintained in a time of peace. He asserted on Friday that the expense under this particular head was 3,000,000*l.*, and now he found he was borne out in his ridiculed assertion by the report of the Committee. He had asserted that the expense on this particular part of the service was just doubled. The hon. and gallant Gentleman would not credit his assertions: here, then, was the book; he would stick to it: in 1833, 1834, and 1835, the expense of the artillery was 1,402,000*l.*; but in 1848-49 it had become 2,897,000*l.*; being exactly double the sum he had already stated. A Committee that sat in 1828, when the charge for the artillery was only 721,000*l.*, stated their opinion to be that the corps was larger than was necessary for keeping up efficient training and practice in a time of peace, and ought to be reduced to something near like what it was in 1792, when the expense was 471,000*l.* He complained that the number of men had been increased from 8,369 to 14,123. Last year the Government made a pretext that it would be necessary to raise 2,000 men additional without superior officers; but what did they do when they got the vote of Parliament for that body of men? Instead of adding twenty companies, as they ought to have done, they added but eighteen companies, forming an entirely new battalion, with colonels and lieutenant colonels and other officers. The answer was, that a few of the senior officers were requiring promotion, and this was taken as the course to effect that object, although it was done to the stopping of all promotion in the case of fifty or sixty of the subordinate officers. The wishes of the few were regarded to the detriment of the many. That was the sort of management of the department for which the hon. and gallant Gentleman wished him to give him credit, but which he certainly could not give him.

Lord J. RUSSELL said, after his hon. and gallant Friend had very fully gone through the various topics connected with the report, the hon. Member for Montrose complained of his neglecting to touch upon another topic to which the attention of the Committee had been called, and to which the hon. Member wished to have called the House on Thursday night but for want of the report. However, the hon. Member had shown himself perfectly capable of entering into the question without reference to the report at all, although, for the want of it, they had postponed the consideration of the estimates on Thursday. With reference to the amount of the force, he had nothing to explain. It was only a few men less than it was in 1848; and in 1848 he stated, at the commencement of the Session, the reasons why in successive years the artillery had been augmented. Without again going into the particulars of that statement, the general reason was, that artillery soldiers and officers required much longer time for training and preparation than the other services, and on that account it was desirable to keep up a considerable force. The hon. Gentleman, however, seemed to say that the best way to be prepared was to be unprepared. That might be a wise maxim, but it was new to him. With regard to the change made last year, it was thought better, instead of adding a certain number of companies, to add two new battalions. The hon. Gentleman said that had been done by the Master General of the Ordnance without his (Lord J. Russell's) knowledge. The fact, however, was, that the Master General represented to him that there was a great want of promotion in the higher ranks of the service; adding his opinion that the efficiency of the artillery would be increased by having the same number of men that was proposed in the previous year, but putting them into two battalions, with superior officers, and a fewer number of subordinates than had originally been in contemplation. He (Lord J. Russell) said that was a subject for serious consideration, and he gave no answer at that time. Some months afterwards, however, his noble Friend the Master General (the Marquess of Anglesea) again called his attention to the subject, showing him estimates for carrying the plan into effect, and he complied with the recommendation. So far, therefore, as responsibility was concerned, he was responsible for having concurred in that recommendation, and it had been submitted to Her Majesty entirely with his sanction. Upon a subject of this kind, he did not pretend that his opinion could have any great weight; but the number of men being the same, and the expense to the country also the same, he thought the opinion of the Master General, corroborated by the papers shown to him, was rather to be followed than any view formed by an unprofessional person. Such were the facts as to the increase in the force, and as to the manner in which it had been carried into effect. The hon. Gentleman had not alluded to the report of the Select Committee in reference to this subject. It so happened, however, that it spoke in strong terms of the importance of having a considerable force of artillery:—

> "The amount of force which it may be necessary or expedient to maintain, is a question which has not been referred to the consideration of your Committee; but, in accordance with the terms of their appointment, they have made some inquiries into the expense of the artillery, and into the strength of the artillery compared with the rest of the Army. All the evidence given to your Committee shows the value of an efficient artillery officered by scientific men. The experience of modern warfare tends to strengthen this opinion; and your Committee desire distinctly to state, while they abstain from entering upon the consideration of the force to be maintained, that they regard the corps of artillery as the most important arm of the service, and, therefore, recommend that the proportion of the artillery to the rest of the Army should not be reduced."

Such was the decided opinion of the Committee, and he was very happy to find that the opinion of the Government was corroborated by that of the Committee.

Mr. HUME thought the noble Lord must have been asleep whilst he had been speaking. He had read from the report of the Committee, yet the noble Lord had the assurance to say he had not! Really if these things continued, he should hardly know whether he stood on his head or his heels. The noble Lord had not stated any political reasons for maintaining such a force of artillery. He (Mr. Hume) admitted the necessity of the force being efficient, but, upon the reasoning of the noble Lord, 40,000 men must be kept. Artillery ought only, as the Committee said, to be in proportion to the infantry; and the question was, whether the numbers now maintained were not in disproportion to that which ought to be a peace establishment. The Committee had not approved of two additional battalions with the necessary expense of additional officers. He, therefore, protested against the Minister of the Crown taking upon himself to sanction that which the public cried shame upon. ["No, no!"] Yes, the public did: they accused the Master General of having raised two additional battalions instead of the companies as proposed. If the House of Commons were disposed to see this department doubled, contrary to the recommendation of a most important Committee, he would offer no further observation than this, that it was very singular the interests of the community in regard to expense should be so little attended to. He should not at that late hour divide the House, but he protested against the extravagance, the want of feeling, and the utter recklessness of the Government in this vote. There was not a shilling in the Exchequer, yet they were keeping up an enormous war establishment.

Captain BOLDERO said, the noble Lord at the head of the Government having read one paragraph from the report, he would read another:—

> "The progress of military science and tactics has, according to the concurrent testimony of the military authorities examined by your Committee, increased the importance of artillery; and, comparing the proportion of artillery in the British Army to the proportion in foreign armies, it will be found to be far less. The force in Great Britain and Ireland may be taken at 60,000 men; there are eighty field guns equipped on a low peace establishment; this gives one gun to about 750 men."

Sir H. Hardinge stated, before the Committee of 1828, that at the battle of Waterloo the French had one gun to every 300 men, whilst the British had only one gun to 500 men. It was dangerous to continue such a disparity, particularly as in every engagement, except the last in India, our artillery had been deficient, not only in numbers, but in weight. He referred the House to what had been done by the artillery in Lord Gough's last action; and he thought that when foreign armies had one gun to every 300 men, whilst we had only one to 750 men, the time had arrived for some change. He suggested that the artillery might be made available for garrison and other service, the same as the battalions of the line.

Mr. HUME asked, what use there was for an overwhelming force of artillery? What use was there in the united kingdom for eighty guns, with all their appurtenances ready for action? Lord Hardinge, in 1828, wished the artillery to be maintained upon the scale of Waterloo. He thought of nothing else, as if we were going again to play pranks upon the Continent. The people, however, would not submit to that. They knew that six hundred millions of debt had been contracted by it.

Vote agreed to.

The next vote proposed was for 151,650*l.* to complete the sum necessary to defray the Expenses of Commissariat and Barrack Supplies.

MR. HUME said, the amount voted for barrack supplies in 1832 and 1833 was only 47,000*l.*, yet this year it was 89,000*l.* He called for some explanation.

COLONEL ANSON said, that the increase in the amount of this vote since the year 1835 arose from the fact that there were no store-rooms then in the Tower, and consequently no stores of clothing were prepared; and it must be recollected also that the increase in the number of men, reckoned only at 1*l.* a head, would account for a considerable portion of the increase.

Vote agreed to.

The next vote was for 45,881*l.*, to defray the expense of the Ordnance Office.

MR. COBDEN asked, if it was right to go on after midnight voting such large sums? He protested against going on with the estimates at that late hour. He should move that the Chairman do report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 14; Noes 107: Majority 93.

Committee report progress; to sit again on Wednesday.

House adjourned at half-past Two o'clock.

HOUSE OF LORDS,

Tuesday, July 17, 1849.

MINUTES.] PUBLIC BILLS.—1ª London Corporation; Metropolis Buildings; Lunatic Asylums (Ireland); Land Improvement Amendment (Ireland); House of Commons Offices; Excise Benevolent Fund Society; Joint Stock Companies Act (1848) Amendment.

2ª Admiralty Jurisdiction in the Colonies; Sewers Acts Amendment.

Reported.—Turnpike Roads (Ireland).

3ª House of Lords Costs Taxation; Attorneys and Solicitors (Ireland); Marriages in Foreign Countries Facilitating.

THE AUSTRALIAN COLONIES.

LORD STANLEY rose for the purpose of asking the question, or rather of repeating the suggestion, which he had made to the noble Earl the Secretary for the Colonies about a fortnight ago. He had then stated that Her Majesty's Government would find some difficulty in passing the Bill for the regulation of the constitutions of the Australian Colonies through their Lordships' House in the present Session. It was now quite impossible for their Lordships to pass through Parliament with sufficient deliberation a Bill for regulating the constitutions of five or six of our newest and most important colonies. He wished to know whether the noble Earl would restrict that Bill to the mere separation of the colony of Port Phillip from the colony of New South Wales? To a Bill so restricted he should offer no opposition; but if the noble Earl intended to carry his Bill further, he warned him that it would meet with strong opposition, not only in the other, but also in that House of Parliament.

EARL GREY said, that the Bill now stood for a second reading in the Commons on Thursday; and he could give the noble Baron no decided answer to his question until he knew the result of the discussion which would then take place. He admitted that if that Bill were really a Bill for the establishment of new constitutions in the Australian colonies, it would not be proper to consider it at so late a period of the Session; but the Bill was limited to one point—the extension of that constitution which was established in New South Wales to our other colonies in its vicinity. It also made provisions that those colonies, by the authority of their respective Legislatures, should make alteration in those, subject, however, to the controlling power of Parliament. He believed that the parties in the colonies fully concurred in the propriety of the measure which had been introduced.

LORD MONTEAGLE wished to ask the noble Lord the Secretary of State for the Colonies whether it was his intention, in the progress of this Bill, to introduce any clause that entirely changed the present mode of selling land in the Australian colonies? That would, in fact, be a measure greater in magnitude than any other of the provisions of the Bill; and that a change ought to take place, he was ready to admit.

EARL GREY, in answer to the question of the noble Lord, would say that he entirely differed from him as to the expediency of making any alteration in the Land Sales Act. He believed, on the contrary, that the maintenance in its integrity of the system established by Parliament, was of the most vital importance to the colonies. Therefore, it was not his intention to introduce any clause to alter that part of the Bill. However, great complaints were made by many of the colonists, who were tied up by Parliament, and prevented from making changes affecting their own interests; and it was said, when representative institutions should be extended to all Australia, it was only just that this subject, amongst others, should be open to them to deal with. As to any one of the colonies dealing with the Land Sales Act, it was impossible to agree to that, as those colonies were connected so closely with each other. By the Land Sales Act, a great portion of the price is spent on emigration; and supposing one colony imported emigrants with that money, it would be wrong that a neighbouring colony should be able to reduce the price of land, and induce those persons to go to that colony from the other. But in deference to what he understood to be the general wish of persons in the colonies, he (Earl Grey) said this—that he saw no objection to introducing a clause by which, if a federal legislature were brought into operation, that legislature, acting for all the colonies, and for their common interest, would have the power to amend the Land Sales Act. That power he would be willing to give; but in giving it, he must say he would greatly lament if the colonists availed themselves of that power to reduce the selling price of land; and to do so without making compensation to parties who bought land under the existing law, would be an act of great injustice. It was recommended by a Committee that the price, when once raised, should never be lowered but by the authority of Parliament; and it was the intention of his noble Friend Lord John Russell, who at that time was Secretary of State for the Colonies, to act upon that recommendation if he had remained Secretary of State. But on his noble Friend leaving office, it was left to the noble Lord opposite (Lord Stanley) to introduce this Act, which, with some modifications, is still the law of the land. He repeated, that it was not his intention to propose any alteration with respect to the sale of land; but on extending representative institutions to the Australian colonies generally, there was no objection to allow the colonists, by their representatives, to form a federal body to deal with the subject.

Lord STANLEY thought the noble Earl must have perfectly satisfied his Colleagues and the country that it was entirely impossible, from the statement he had made, that the Bill could pass in the present Session. The noble Earl was not disposed to deal by Parliamentary authority with the sale of land; but he was ready to establish that which was altogether new in colonial administration, namely, a federal government. Then the question not only of a representative government, but of a federal government, had to be discussed, and the power to be confided to it should also be discussed, involving matters of the nicest consequence and greatest importance. The noble Earl proposed not only to introduce the question of a federal government, but to transfer to it the power of adjudicating upon questions that were no less imperial than colonial concerns. He proposed to give a certain power to the federal assembly, although some of the parties represented in that assembly might dissent from the alterations made by the federal government. The Bill was not yet printed for the other House of Parliament in the shape in which it was to pass. Here, then, was an entirely new Bill that was to be discussed in the House of Commons without being yet printed. It should then be discussed in Committee in the House of Commons; and he (Lord Stanley) promised the noble Earl it would be so discussed. Then it would have to go through all the other stages in the House of Commons, and afterwards to be submitted for consideration to their Lordships. When they only commenced on the 18th or 19th of July, their Lordships must be convinced that it was impossible to carry through the whole of this Bill in the present Session.

Lord MONTEAGLE was quite convinced that if they laid down the principle of compensation to which the noble Earl had referred, with regard to their home legislation, it would be utterly impossible to defend any portion of the legislation of late years, whether it affected agriculture or commerce.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 17, 1849.

Minutes.] Public Bills.—2° Disembodied Militia.

Reported.—Small Debts Act Amendment; Stock in Trade; Regimental Benefit Societies; Enlistment (Artillery and Ordnance); Royal Pavilion (Brighton); Railways Abandonment; Nuisances Removal and Diseases Prevention;

Administration of Justice (Vancouver's Island); New Zealand Land Conveyances.

3° London Corporation; House of Commons Offices; Petty Bag, &c. Offices Amendment; Land Improvement Amendment Act (Ireland); Lunatic Asylums (Ireland); Labouring Poor Act Amendment (Ireland).

Petitions Presented. By Admiral Gordon, from Aberdeen, against the Marriages Bill.—By Sir E. Buxton, from the Hair Dressers of the Metropolis, for an Alteration of the Sunday Trading (Metropolis) Bill.—By Mr. Beresford, from Yeldham, Essex, for an Alteration of the Law respecting Tithes.—By Sir J. Graham, from Penrith, for Repeal of the Duty on Attorneys' Certificates.—By Sir J. Walsh, from Rhayader, for Agricultural Relief.—By Mr. Wilson Patten, from Warrington, against the Audit of Railway Accounts Bill.—By Lord Ashley, from Manchester, and by other hon. Members, for Regulating the Hours of Labour in the Baking Trade.—By Mr. M. Wilson, from the Wharfdale Railway Company, for the Railways Abandonment Bill.—By Colonel Matheson, from Urquhart, Ross-shire, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Adderley, from Mucclestone, for an Alteration of the Sale of Beer Act.—By Mr. Mackinnon, from London, for Extending to the Metropolis the Sheep, &c. Contagious Disorders Prevention Act.—By Lord E. Howard, from Horsham, for an Alteration of the Small Debts Act.

SMALL DEBTS ACT AMENDMENT BILL.

The House went into Committee on this Bill; Mr. Bernal in the chair.

On Clause 20, giving compensation to the officers of the Palace Court being proposed,

Lord DUDLEY STUART said, he objected to the clause, because he could not agree to any compensation being granted to these officers. His hon. Friend the Member for Middlesex had stated yesterday, that the court was illegal; and, indeed, he could not himself help thinking that it was unconstitutional to tax people as that court had done without the consent of Parliament. Landowners, merchants, manufacturers, and shopkeepers were not compensated when new laws were made affecting their respective interests; and he knew not why such peculiar and tender concern was felt for the interest of the lawyer. If these gentlemen bought their places at an extravagant price, they did so upon speculation, and they ought, therefore, when the Legislature thought fit to alter or abolish the court, to take the consequences, in the same way that other persons did in other kinds of speculations. He must, therefore, again protest against compensation being granted to persons in the condition of these Palace Court officers. He would repeat the objection which he took yesterday to the Treasury being authorised to estimate and determine the amount of the compensation. The objection which he made was not a vague one, for when the Treasury had such authority given before, large sums were awarded to persons in the shape of compensation, when they had suffered no loss whatever. The officers, as had already been stated, had received compensation under the Act passed to abolish imprisonment for debt; and during the four years that had elapsed since then, they made more money than they did during the four years previously. He should mention, however, that there was one exception to this: the deputy prothonotary had received during the last four years 266*l.* less, and to show in what way the Treasury compensated persons, they gave him 1,400*l.* The Treasury were often extremely penurious and paltry—indeed so much so, that no gentleman in his private capacity would act so scurvily; but here was an instance of a very lavish and culpable expenditure. How could they be called upon to trust to the Treasury, after such instances of lavishness and disregard of the public interest, to decide upon the amount of compensation? The plan of referring the matter to a Select Committee was much better than that; it was more constitutional, and the House would have it more in their own hands; whereas if it were left to the Treasury, they might afterwards complain, but in vain. He must protest against this mode of proceeding—against those persons being compensated who had already been compensated more than enough. He should test the opinion of the House upon this point, for he felt convinced he should receive the support of the House, and that the sense of the country would be with him.

The ATTORNEY GENERAL hoped that his noble Friend would not press his Amendment. It was quite clear that his noble Friend was desirous of abolishing the Palace Court; but if he succeeded in obtaining a majority against the clause, it would defeat the Bill altogether. Many Acts of Parliament had recognised the sale of these offices; and vested rights could not be abolished without giving the parties in whom they were vested, compensation. He had understood his noble Friend also to object to the manner of giving compensation, and that he would rather have that question referred to a Select Committee of the House than to the Treasury. Now, he (the Attorney General) believed that if the legal claims of the parties demanding compensation were to be strictly investigated, he was providing the best tribunal that could be devised. In a Select Committee of the House there was a divided responsibility, and Members of it were exposed to influences to which the Treasury was not subjected. His noble Friend said that he would not trust the Treasury, because, on a former occasion, they gave officers of the Palace Court too large a compensation. But his noble Friend should bear in mind that the Treasury was bound, under the Act of Parliament, to settle the amount of compensation within a certain time. It was alleged that the officers of the Palace Court would suffer by a loss of business in consequence of the operation of the Act, 7 & 8 Vict., whereas it turned out afterwards that their business increased. The present Bill, however, provided that compensation should not be calculated upon anything that occurred afterwards. He hoped, therefore, that his noble Friend would withdraw his opposition, as he was quite sure that he would be very sorry if the Bill were lost.

MR. J. EVANS objected to sending the question of compensation before the Treasury. The Six Clerks in Chancery were receiving compensation equal to the incomes of Peers of the realm. They had already received 130,000*l.*; and not only would they continue to get compensation at this extravagant rate, but their executors were to receive it for seven years after their death. He should, therefore, prefer the question of compensation to be referred to a Select Committee.

SIR F. THESIGER said, that the Legislature itself had fixed the scale for compensating the Six Clerks for the abolition of their offices. One word to the noble Lord he would now address, being certain that if the noble Lord would but look at the matter a little more clearly, he would see that he was really mistaken as to the facts on which he grounded his case against the Palace Court. As for what had been said about the "illegality" of the court, there was absolutely no sort of ground for such an imputation. It had been even affirmed that the Crown had had no authority to establish this court at all; but he begged to affirm that the Crown had an undoubted power to establish, under certain forms that were resorted to by it in this instance, any such ancillary court in aid of, or within, the jurisdiction of the common law. What were the facts? There had formerly existed an ancient court for the trial of causes of a limited and small amount, and in which the parties were officers of, or connected with, the Royal household. That old court having been abolished, another court was erected under letters patent granted by Charles II. for the trial of similar causes arising within twelve miles of the city of London, and for the benefit of all other parties, not for those exclusively connected with the household. Under the same authority by which the offices of the Palace Court were constituted, the right of those originally appointed, and of their successors, to purchase and to sell them, was clearly defined, and had been since repeatedly recognised and confirmed by constant practice. Therefore, the right of present holders to compensation in the event of the offices themselves being abolished, was unquestionable, and he was satisfied that the Treasury, on being appealed to, would entertain, without scruple, the question of such compensation for them. But then, it had been attempted to be shown that in a certain instance—(for it was not denied that very large sums had been paid from time to time for these appointments)—an excessive compensation had been already granted to the officers of the Palace Court, and that now, therefore, they were precluded from setting up any further claim. Nothing was easier, however, than to show that the transaction referred to could not in the least affect the present rights of the parties interested, to the compensation he must insist upon being due to them. Prior to the establishment of the county courts, the Palace Court, he would venture to affirm, had exercised a jurisdiction which had been found of the greatest benefit to that portion of the public interested in such classes of causes; and for some years before these new courts were created, the Palace Court had tried and determined at least one-fourth of the whole number of such cases coming before the law courts. But he wished to be clearly understood as limiting his argument only to the title of its officers to compensation; for he had always been of opinion that whenever the county courts were established, the Palace Court ought to be abolished. Now, it was perfectly true that when, by the abolition of arrest upon mesne process, one part, and a very principal part, of the business and fees of the Palace Court was abolished, compensation was made to a specific amount for the loss sustained, and that subsequently the other portion of its business had very extensively increased. Surely the noble Lord would not contend that that compensation for a certain specified loss was to be held to satisfy their title to compensation for the abolition of their own offices? The two interests were not the same; the one had little or nothing to do with the other. The parties had, to all intents and purposes, a freehold in these offices which Parliament was called upon to abolish; and the question now was one of compensation for that freehold sort of property. It seemed to be supposed, that because he some years ago had had the honour to fill one of the offices in the Palace Court, therefore he was now speaking on behalf of compensation to others from some sort of fellow-feeling; but he protested that he was only advocating the claim on grounds of fair dealing and equity, which he was quite certain would be acknowledged by the Treasury—a department to which the arrangement of this matter might be much more advantageously referred than to any other, and who, he was convinced, would comply with the principle of the claim.

Mr. HENLEY would beg to ask the learned Attorney General one question: it had been stated by the hon. and learned Gentleman who had just sat down, that the officers of the Palace Court received a certain compensation some few years ago, on the abolition of arrest upon mesne process; and he admitted at the same time that since that period the other portion of the business of the court had very much increased. Now, what he (Mr. Henley) desired to know was, whether since or at the same time that larger powers had been conferred on the several new courts having jurisdiction over small debts, any similar extension of powers had been given to the Palace Court? [The Attorney General: Certainly not.] As that was the case, he could not press the point, which, had the hon. and learned Gentleman's answer been in the affirmative, he should have been supplied with against this claim of compensation for loss of offices.

Lord DUDLEY STUART did not consider that the hon. and learned Gentleman the Member for Abingdon, with all his ingenuity and ability, had made out any case to found the claims he had been advocating. As to the fact of that hon. and learned Gentleman's having formerly held an office in the Palace Court, everybody must be satisfied that he felt and intended that such a circumstance should not in any degree interest his advocacy on this occasion. Still it was possible that without being aware of the fact, it had influenced the learned Gentleman's better judgment. Perhaps he had been one of the parties who prepared the Bill under which compensation on the extinction of arrest by mesne process was granted, as one of the officers of this very court?

Sir F. THESIGER: No, I was not at that time. But I was Solicitor General, I think, if that will answer your purpose.

Lord DUDLEY STUART trusted, at any rate, that the Committee would not be led away by anything which had just been stated from the opposite benches to sanction a clause for giving compensation to the holders of office in a court whose very existence had long been felt to be a grievance, and the abolition of which was so loudly demanded by public opinion. According to the showing of the hon. and learned Gentleman himself, compensation had already been granted to these parties to the tune of 7,000*l.* for the alleged loss to the business of the court occasioned by a particular measure of legislation; and the consequence of that measure had been, on the other hand, to improve the value of its other business by about 10,000*l.*

Question put, "That Clause 20 stand part of the Bill."

The Committee divided:—Ayes 52; Noes 2: Majority 50.

The House resumed. Bill reported.

STOCK IN TRADE BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Sir H. WILLOUGHBY rose to avail himself of the opportunity to raise the general question of rating; he believed there was a real grievance which required a remedy, on the principles of justice and fair dealing to all classes of the community. In order that the House might clearly comprehend what was his object, he called attention to the facts of the poor-rate. In 1847, 5,290,000*l.* was raised for the relief of the poor, and this sum was levied exclusively on 64,730,000*l.* mainly on those that occupied houses, and especially land for productive purposes. The report of the Lords estimated the property in England and Wales, of various kinds, at about 250,000,000*l.*; so that the whole burthen of the poor-rate in England and Wales fell on about one-fourth of the property in England and Wales. Now, viewing the purposes for which poor-law relief is required, was this a just apportionment of the burthen, especially in the altered circumstances of this country? He would take the population of England and Wales at 15,000,000; now, in 1847, one and a half millions received relief. He would take a county—Lancaster. There was a population of 1,624,000; a poor-rate levied 335,000*l.*, and 116,000 poor relieved; but, as a simple and single test, according to a high authority, is the best mode of elucidating political subjects, he would take a single parish, one of the chief seats of the cotton manufactures, Ashton-under-Lyne, and he found that in one year, 1848, the poor-rate levied was 16,875*l.*, on a class of property 107,000*l.*; that 10,024*l.* of this was spent in relief of the poor; 5,012*l.* in the half year ending September, 1848; of this 2,400*l.* was for outdoor relief. In one division alone, 1,623*l.* was spent in outdoor relief. All the facts are taken from an authentic document, signed Charles Mott, auditor, November 3, 1848; and having heard the nature and objects of the expenses, the question he should put to the House was this—that it is not fair nor just to tax one class of property only for expenses, which, in great part, arise from other sources, and which do not contribute their fair proportion. He would take the first item. He found 305 parties who had received sums of money under the head "out of work." Why are the occupiers of land and houses alone to provide for those who labour in all trades, when out of work? The next item was more extraordinary. He was sorry the Chief Commissioner of the Poor Laws was not in his place. He (Sir H. Willoughby) had resisted the appointment of the Commission, as he thought it would not remedy the evils that were said to exist. Now one of the chief accusations against the old management of the relief to the poor was, that wages were paid out of the poor-rate. He found this practice still existed, and most luxuriantly; 86 parties in this one division, in one half year, received sums of money under the head of "insufficient earnings." He claimed an answer to this from the sincere advocates of free trade. You proclaim competition for agricultural productions with the Baltic, the Black Sea, the Continent of America, the whole world, and yet those who occupy the land are called upon to pay rates in aid of wages to trades not their own. This is protection in the worst form for all other trades, at the expense of those who occupy land and houses. Again, 29 parties received money on account of the number of small children. The aged, 157; the sick, 157; in great numbers, orphants, infants, the lame, the blind, the deaf, the idiot, the lunatic, all are charged to this fund; 22 women, deserted by their husbands; 9 gone to America; 12 in prison; and 1 gone to beg, are all charged on the fund. Every accident is paid for; legs and arms injured by machinery are amputated; and finally, under one heading, "the stoppage of the mill," 13 parties expressly receive this relief in money. Now, he asked on what pretence can all the ailments, infirmities, and misfortunes that arise in cotton, silk, woollen, hardware, &c. trades, be fastened on one class of property without a violation of the first principles of justice? He contended that the real principle of the Act 43 Elizabeth, cap. 2, must be carried out, which meant that all should be equally rated—that every one should be taxed. It might be difficult to make an equal system of rating; but under the pressure of free trade the attempt must be made. Two courses were open—countervailing duties as equivalents for known burthens, or an absolute equalisation of the burthens—a fair adjustment of local taxation. The House had no other option. It might be bold to criticise the modern principle of imperial legislation, but he thought there was a disposition to adopt principles hastily, and not to carry them out to their legitimate conclusion. This was the case with the sugar colonies. First, the cry was to emancipate the negro, and the nation was saddled with a rent charge of 800,000*l.*; but soon after a new cry arose—free trade in sugar. You import slave-grown sugar from Cuba, and the consequence is, that the colonies are beggared, and the principles are lost. He hoped the same course would not be pursued as regarded our domestic industry. Having proclaimed universal competition in the productions of the land, you must either have countervailing duties or equal burthens. In Ireland the occupiers of land are to be exclusively burthened with poor-rates; what capitalist in his senses would purchase such property, having the choice of the whole world? and this principle of a fair apportionment of burthens applied to all parts of the united kingdom. He had a right to expect the support of the various parties in this House to a fair consideration of the question of rating. Those who believed in the principle of free trade would be glad to do justice. He was for fair play to all trades—corn or calico. The noble Lord at the head of the

Government was, in 1842, in favour of a fixed duty. Duties are not in fashion in the House just now; therefore you must adjust the burthens, of which rating to the poor relief is the chief. The right hon. Baronet the Member for Tamworth, on the 9th of February, 1842, expressed an opinion that 54*s.* to 58*s.*, a price for the quarter of corn required, "viewing burthens of the land and the relative position of those engaged in the cultivation of the land." That money price, 54*s.* to 58*s.* the quarter, does not now exist, and therefore a readjustment of burthens is equitable. He thought this question of rating pressed for a decision. There was a feeling abroad—a dangerous feeling, if neglected—amongst those engaged in the cultivation of the soil, that their interests had not been fairly treated. No wise Government would neglect such disposition. His object was to secure the attention of the Government, so that some legislation might take place early in the next Session of Parliament. The subject was a difficult one; it might not be possible to make an assessment entirely equal; you might, however, approximate to an equality, but in any case it would be the duty of the House to make an attempt to do justice to all in matters of local taxation—to hold even the balance between the various classes of the community in a spirit of equity, and which would prove its best title to the confidence of the people.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CORNEWALL LEWIS observed, that the hon. Baronet, with the exception of that episode in his speech on the West Indies, had confined himself to the question as to the real property being exclusively rated, and to the rates not extending to personal property. The question was one of great interest and importance to the community, and it had already received much consideration during the present Session, and no doubt it would receive more hereafter. He would, in the first place, confine himself to the question immediately before the House, as to whether or not they should rate stock in trade, or whether the interventions of the courts in the interpretation of the 43rd of Elizabeth should be continued. This, he admitted, was a simple and not very difficult matter for solution; but the question which the hon. Baronet had introduced was a wide one, and did not admit of easy solution. He trusted that he should be able to satisfy the House that it should renew for another year this temporary enactment with respect to rating stock in trade, as it did not give rise to any great difficulty. The question arose out of the interpretation of the Act of Elizabeth, and as to whether they should hold strictly to the letter of its provisions, without reference to the opinions of the courts. No doubt, according to the strict letter of the Act, every inhabitant of a parish was liable to be called upon to contribute to the maintenance of the poor; but then they must take the interpretation of the word "inhabitant" given by courts of justice since the time of Elizabeth. There could be no doubt of the legal meaning attached to the term since the time of William; and if the present Suspension Act was allowed to expire, they would soon know that such would be the interpretation of the courts. It might appear that the meaning of the word inhabitant was tolerably clear. To be rated, it was held, that not only must he live in the parish, but the personal property must also be there. If he lived in a different parish from that in which his personal property was, he was held not to be an inhabitant. According to this, persons might avoid being rated by residing out of the parish in which their personal property was. This alone would occasion a large reduction in the amount of property to be rated. The next decision of the courts was, that a farmer's stock in trade was not to be rated; such, for instance, as cattle, corn, hayricks, agricultural implements, &c. Although all these apparently came within the meaning of the Act of Elizabeth, they were held not to be rateable. Thus the stock of the farmer was not rateable; but the stock and tools of the artisan are, if he resided in the place. This occasioned another great diminution in the number of persons liable to be rated residing in a place. Then it was held, that stock in the public funds, money lent on real securities, wages of labour, salaries, and professional earnings, were not rateable; and when all these were deducted, a very large property was not left to be rated. It was further held, that the owner of stock in trade, to render it rateable, must reside in the parish in which his shop or warehouse was situated. This, of course, would be an inducement to a man to have his shop in one parish, and to live in another. Then, again, it must be shown that the stock in trade was profitable to render it liable to rating; and for this purpose the onus lay upon the owner to prove before the magistrates that it was so; and, if he could not do so, the rate upon such stack must be quashed. It was also held by the courts that allowance must be made for debts before they could rate a stock in trade. All these were points in which the courts appear to have had no doubt; and if the hon. Baronet would refer to *Burn's Justice*, he would see not only that these but other descriptions of property were exempted from rating. The courts, however, did not stop there; for in the time of Lord Mansfield the Court of King's Bench determined that stock in trade was not rateable, or, at any rate, so many difficulties and doubts were thrown in the way as to render it equivalent to the court holding an opinion against the rating. Lord Kenyon, however, took a less equitable view of the matter, and after some time persuaded the rest of the court over whom he presided to revert to the literal meaning of the original Act of Elizabeth on this point, and it was held that stock in trade was rateable. The question again came before the Court of Queen's Bench in 1840, in the case of the Queen *v.* Lumsden, and the opinion was held, that the old Act was not repealed in this respect. The consequence of this decision was, that great alarm was produced in the manufacturing parts of the country; and the result was, that a Bill was brought into Parliament in that year, which passed into a law, by which rating of stock in trade was suspended for a twelvemonth, and since that period it had been annually renewed. He thought he had said sufficient to show the House that the adherence to the old law, as it was interpreted by the courts, would be of little benefit to the agricultural interest in consequence of the many exceptions which were allowed. There might be some parishes in which stock in trade was strictly or partially rated; but by the Act of 1840 there was practically no change in the law; it prevented appeals against the overseers' rate in consequence of that description of property not being rated. He would challenge any hon. Gentleman to mention two parishes in which stock in trade was actually rated between 1830 and 1840. Having thus gone through the facts of the case, it appeared to him that the hon. Baronet laboured under some misapprehension as to the advantages which would result from the adoption of his suggestion. This misapprehension seemed to arise from looking to stock in trade in the aggregate, instead of taking it, as they were bound to do by law, parish by parish. No doubt, if the whole stock in trade of the country was rated together, it would produce a considerable sum, and might relieve the landed interest from a portion of its burdens; but this was not, and never was, the state of the law. The greatest anomalies were formerly held as to the law of rating in connexion with stock in trade; for instance, a shop was liable to be rated if the owner of it resided in the parish where it was; but if he did not, it was exempted. They should recollect that the great mass of stock in trade was centred in large towns, and if each parish was rated separately, the relief to the landed interest would be insignificant. In such parishes as St. George's, Hanover-square, and Marylebone, perhaps the rates upon the stock of shopkeepers would lighten in some degree the rates upon the inhabitants of dwelling-houses; but in the great mass of rural parishes, in Lincolnshire, Cumberland, or Yorkshire, no sensible relief would be afforded. If they extended the principle to the rural districts, they would find the only articles that could be rated would be the tools or implements of the carpenter or blacksmith, and in some villages the stocks of a few shops. He maintained, therefore, that under the present law, a rate upon stock in trade, if carried into effect all over the country, either for the relief of the landed interest or of the Church, would be productive of no sensible benefit whatever. No doubt the county and other rates were felt to weigh heavily on landed property; but if they rated all the personal property in rural parishes, the amount received would be so small, after all the deductions which he had stated, that the amount of relief afforded would be imperceptible. As it was, the landed population had lost no advantage by the Act of 1840, and nothing had been gained. One great reason why he asked the House to assent to the present Bill was, that the present law with regard to the rating of stock in trade was so intricate and complicated, that the legality of every rate made under it was liable to be questioned, and the magistrates at quarter-sessions would be constantly called upon to quash rates in consequence of some informality, so that the greatest inconvenience must arise. He fully admitted, with the hon. Member, who had argued the matter with the greatest fairness, that the real question was whether any means could be devised by which a system could be established for rating—not merely stock in trade, in excluding the stock of the farmer, but—personal property of all descriptions for local rating, as well as real property. If such a system could be devised, it was a subject open for consideration, and upon which persons of the greatest financial skill, and who had long studied the practice of taxation, might exercise their ingenuity. He maintained, however, that the present Bill did not raise that general question, and also that it was nothing but a delusion to suppose that the landed interest would be deprived of any great benefit by the operation of the present law.

Mr. HENLEY admitted that very great practical difficulties existed in rating stock in trade; but maintained that if stock in trade was to be exempted, it would lead to great difficulty and trouble; that if they had justice on their side, he would ask them why they did not repeal the law at present existing on the subject. That the great necessities of the country would ere long force it upon them for a total revision—that if the subject was not properly taken up, the House might depend that it would be forced on them; and the result would be, they would then have to get rid of this impost, which, as it at present stood, was objectionable to all parties.

Mr. C. LEWIS intimated that the subject was under the consideration of Government, and that a measure was in preparation.

Mr. DISRAELI thought the explanation of the Under Secretary for the Home Department fully justified his hon. Friend in having brought the subject forward, and he confessed he was glad to hear his statement. It was clear, from what had fallen from the hon. Gentleman, that this was a question the consideration of which could not be longer delayed. Without being guilty of an exaggeration, it could be proved that one-third of the income of the country had to bear the whole of their local burdens. The fact was incontrovertible that real property had burdens thrown upon it to the amount of twelve millions a year, from which other descriptions of property were exempt. This was a startling reality, which hon. Gentlemen opposite could not deny. These results the country was becoming fully aware of, and it was a matter which must force itself on the attention of the Government, with a view to a settlement. The question of local taxation was the greatest question of the day, and it had forced itself on public attention in consequence of the situation of Ireland. Indeed, in Ireland it had produced a second revolution, and the result had and must excite the strongest effect on public opinion in the two countries. He did not believe the stopping this suspending Bill would produce any great effect. The object of his hon. Friend that day was to show that stock in trade was only one of the classes of property which had escaped rating. To deal properly with it, the question must be completely considered, and just relief could only be given by taking all descriptions of property into calculation. He was sure the statement of the hon. Gentleman the Under Secretary would be satisfactory to the country; and he trusted, when they met again, that the measure alluded to would be one of the first measures brought forward for consideration.

Mr. WODEHOUSE thanked his hon. Friend for bringing this question before the House, and was happy to hear that they were to have some remedial measure. He submitted to the noble Lord that the subject of the land tax and the rating of the poor must at the opening of next Session be thoroughly brought under revision.

Mr. MUNTZ said, he was not going to support the Motion of the Gentleman on the other side, because he thought that the Bill had better pass. The hon. Baronet had, in his enumeration of things not liable to rating, fallen into a mistake. Machinery was liable, and was rated, as he could testify, even to the very hammers used in his own factory. He readily admitted that there was a difficulty in rating stock in trade, but still it could not be denied that the present system was both unequal and unjust. They must come to a national rate at last, and the sooner the Government turned their attention to the subject the better it would be for the country.

Sir H. WILLOUGHBY expressed his satisfaction with the discussion his Amendment had called forth, and begged to withdraw it.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill considered in Committee, and reported; as amended, to be considered Tomorrow.

THE BAKING TRADE

Lord R. GROSVENOR was aware what he should have to encounter in endeavouring to attract the attention of the House to the Motion he was about to propose. Accustomed as the House was to deal with questions affecting large classes of the community—not merely the inhabitants of this country, but those of the remotest parts of the globe—it was scarcely to be expected that they would condescend to give their attention to a measure which involved the interest of a small section only of the community. He assured the House he had no motive in bringing forward this Motion except that of elevating the position of a class of working men who toiled more continuously than almost any other class of persons in the British community. There were no less than 10,000 persons in this metropolis employed in preparing the staff of life, who were looking with anxiety to the result of this Motion. It was a question which involved their comfort, their happiness, their moral progress—aye, and the very duration of life itself. The noble Lord reminded the House that last year he moved for a Committee on this subject, but it was refused. He regretted that refusal, because if a Committee had been appointed, the truth of the allegations of the petitioners might have been ascertained. He was, however, not discouraged. He recollected that on the former occasion his right hon. Friend the Home Secretary told him that he was out of court in moving for a Committee, because there was nothing more to inquire about, inasmuch as Dr. Guy had investigated the whole matter. His right hon. Friend the Member for the University of Oxford had stated that he would not be unwilling to consider a legislative remedy on the subject; and he believed that the general impression was that he, last Session, made out a *primâ facie* in favour of some enactment to relieve the evils of which he now complained. The Bill he now wished to introduce was precisely the same as that of last year. The principle and the details were now contained in one single clause. He trusted the House would pronounce their opinion upon it at once, and not permit it to be introduced, and then oppose it. After the statement he had made last Session, he hoped he should be spared the necessity of again repeating the grievances under which the journeymen bakers laboured. Their hours of work were usually from 11 o'clock at night till 6 or 7 o'clock the following evening, during which they could get no rest. These hours were increased on Fridays and Saturdays; and they generally worked five or six hours on the Sunday. The place, too, in which the journeyman worked in London was very little better than a cellar; he was exposed to every vicissitude of heat and cold. While 60 hours of work in the week were the average in other employments, 100 hours were the average of the journeyman baker's labour during the week. He was not able to go to any place of religious worship, and the House could not be surprised to hear that the result of this system was the moral and physical degradation of the individual—a recourse to stimulants, and an early decay of the vital energies. No inconvenience would result to the public from a relaxation of the hours of labour on the part of the journeyman bakers. The only difference would be that the batches of bread would be drawn at a later hour in the day, and, instead of hot loaves being delivered, they would come to the houses of the customers cold. It was a saying that one half of the people sat up all night to prepare poison for the other half in the morning. If the House should pass the Bill he proposed, the hot-bread poison would at least be put an end to. A strong argument in favour of this measure was the fact that no less than two-thirds of the master bakers in London were favourable to it. No less than 2,500 had petitioned for the measure, and he believed not one had petitioned against it. The objections generally urged against any measure of this description were that there was some immutable principle in political economy against all interference between master and man, and that if any exception were to be made in favour of any one particular trade, it must ultimately be made in reference to all trades. But these objections were much too late; for Parliament had already interfered in many instances between the employers and the employed. He might mention the Coalwhippers Act, the Mines and Collieries Act, and the Ten Hours Factory Protection Act. Thus it was clear that the House had shown that the principle of leaving trade uninterfered with, might be, under certain circumstances, most justifiably departed from. The hon. Member for the West Riding had observed that the Ten Hours Act was passed for children, and that the present Motion was therefore the first attempt to legislate upon the subject in reference to adult labour; but that the Ten Hours Bill did interfere with the hours of labour of adults, was, he believed, a notorious fact. This, therefore, was no new attempt. His right hon. Friend the President of the Board of Trade would perhaps say, it might be true that the bakers suffered very much from the causes he had mentioned, but that the fustian-cutters and some other trades suffered quite as much as they did. He (Lord R. Grosvenor) might be permitted to observe, that the case of those other trades was not then before the House, and that it was rather hard to oppose a case that was before the House by referring to other cases that were not before it. But he was quite willing to join issue with his right hon. Friend upon that subject, and to say, that supposing this Bill passed, and that in consequence of it various other trades come forward asking for legislative interference, if they succeeded in establishing a case of grievance, and proposed an effectual remedy, he saw no reason why the House should not sanction it. If the cases should be found so numerous as to render it impossible for the House to deal with them singly, they could be referred to a Select Committee for investigation, in order to see if the same principle could not be applied to them all. He recollected that his right hon. Friend the Secretary of State for the Home Department suggested last year as a remedy for the evil, that the bakers should be put under the inspection of the Sanitary Commission. Now, certainly, if in the Sanitary Bill for the metropolis which had been so long promised, but which seemed to demand the Cæsarean operation to bring it forth, a clause could be inserted, placing bakehouses under such inspection, he should be very glad; but that would go a very little way towards a complete remedy. He would appeal to that party of which the hon. Member for Montrose was so distinguished a leader, and which was so anxious for an extension of the suffrage, not to be contented with agitating for that alone, but to exert themselves in furthering such measures as would qualify the working classes for the exercise of the franchise, for he was convinced, that the more they succeeded in elevating the character of our working men, the more would they predispose the Legislature and the country to look with favour upon the extension of the franchise which they desired. From the best consideration which he had been able to give this subject, he was perfectly convinced that the more they tended to reduce the hours of labour within reasonable limits, the more would they tend to destroy, not that wholesome competition which was the secret of our industrial triumphs, but that unwholesome competition which perilled the lives and happiness of mankind by bringing all down to the same level of degradation and ruin. How stood the case with respect to this unfortunate class whose cause he pleaded? They came as youths, principally from Scotland, to pass through the fire of Moloch in this metropolis, about the age of fifteen or sixteen. After that period they had no time to give to mental improvement, religious instruction, rational recreation, or attendance on public worship; and if they did not all entirely "live without God in the world" it was no fault of the system to which they were sacrificed. Knowing what he did of the evils of that system, he, for one, declined to acquiesce in them without at least trying to provide a remedy for them. That remedy he now proposed by the Bill which he asked the leave of the House to introduce. He begged the House to agree to that Motion, on account of the sufferings of the unfortunate men whose case he had undertaken to lay before them. He implored them not to reject it on account of his feeble advocacy of their cause. He entreated them not to resist the growing demands on this subject, by applying a principle which the Legislature had refused to adopt in other cases, or by indulging fears which experience had shown to have no existence. He trusted that they would meet the question fairly and frankly, and say at once whether they thought the remedy he proposed was or was not a satisfactory remedy for the evil complained of; and if they rejected it, he hoped they would be able to justify themselves for prolonging a system which they all declared to be grievous and deplorable.

Motion made, and question put, "That leave be given to bring in a Bill to prohibit labour in Bakehouses during certain hours of the night."

Mr. LABOUCHERE said, he was sure it was quite unnecessary for his noble Friend to have expressed any apprehension lest the cause he had undertaken to plead should suffer anything from the manner in which he had brought it under the consideration of the House. On the contrary, he was certain that every one who knew him would admit that the manner in which he brought the claims of the working classes before the House, was always such as to recommend them to their most favourable consideration. His noble Friend had stated, that if the House objected to the principle of the Bill, he hoped they would at once clearly express their opinion to that effect, and refuse to allow the Bill to be brought in, rather than defer that decision to a later stage of the Bill. He agreed with his noble Friend in the propriety of that course; and it was because he felt himself compelled, reluctantly but decidedly, to express an opinion contrary to the principle of the Bill, that he should also feel it to be his duty at once to give his vote against the introduction of the Bill. He entreated the House to consider what that principle really was. It was a principle which he could not help saying, notwithstanding what had fallen from his noble Friend, was altogether novel in the legislation of this country. That principle was compulsorily to limit the hours of labour—not in factories, where large numbers of persons were congregated together, and where, consequently, a system of inspection was possible without the necessity of constant visits of Government inspectors, and the liability to information by private parties against the employers of labourers—but in dwelling-houses and workshops, where the system of minute and constant inspection that would be necessary to carry out the plan of his noble Friend, would be quite intolerable in a free country. His noble Friend, indeed, seemed to be aware that it was scarcely possible to carry out his principle to its legitimate consequences without including fustian-cutters and other trades who were at present subject to the evil of protracted hours of labour, as well as the bakers. It behoved the House, then, before they took the step now asked of them, to consider well the conquences to which it must necessarily lead; and if they found that the system would be intolerable to the feelings of the people, that it would be impossible to work it out, that though they might employ an army of commissioners and a host of inspectors, they would never be able to control a system of labour carried on in dwelling-houses and workshops by any machinery they could devise—if they found all this, then it became them to take their stand at once against the principle of the measure, and refuse to interfere upon the mere statement of his noble Friend, that there would be some fancied advantage to a particular class by so doing. His noble Friend had quoted the case of the coalwhippers as analogous to that of the bakers; but he (Mr. Labouchere) denied that there was any similarity between the two cases. The coalwhippers were an organised body who worked in a limited space, and were not, like the bakers, scattered over the workshops of the country. And besides, there was another material distinction. The Coalwhippers Act did not interfere with the hours of labour or with their wages, in any way whatever. All that it did was to interfere with the manner in which they were hired and paid, and to enact that that should be done through the instrumentality of a public office, in a manner somewhat analogous to that which he ventured to recommend the other day with regard to seamen. That was quite a distinct principle from that which his noble Friend now proposed to introduce. The question before the House was, whether they were prepared to adopt the principle of restricting the hours of labour of adult persons scattered throughout the country in dwelling-houses and workshops, and to begin with bakers—because his noble Friend seemed to be aware that it was scarcely possible to stop there—and if other classes were seriously to urge their claims upon the House, after admitting that of the bakers, he did not see how they could be resisted. The consequence would be, that by passing the Bill now asked for, the House would be involved in difficulties of which there was no practical solution. He believed that its adoption would do more harm than good, and he therefore advised the House to reject the proposition of his noble Friend, which, although he was sure it had been brought forward in a benevolent spirit, and with the best intentions, he firmly believed would confer no benefit on the classes for whom it was intended.

Lord DUDLEY STUART felt some difficulty with regard to the present Motion. Last year, when the question was before the House, he voted for inquiry into the best mode of relieving the operative bakers from their grievances. They complained justly of the very long hours of labour to which they were subjected by the present mode of carrying on their trade. He confessed having some difficulty in voting for the Bill without having further information, because the most conflicting statements were made upon the subject by parties equally respectable, equally experienced, and equally worthy of belief. If the Government held out a hope that next Session they would not object to the appointment of a Select Committee on this subject, the best course, in his opinion, would be for his noble Friend to withdraw the Bill; but he certainly could not offer this advice to his noble Friend unless the Government held out such a hope. In that case he should vote in favour of the Motion.

SIR DE LACY EVANS admitted there was great difficulty in dealing with this question; but in his opinion the noble Lord the Member for Middlesex had made out a strong *primâ facie* case for interference. The facts had not been denied by the right hon. Gentleman the President of the Board of Trade. Under these circumstances he wished for further information, and he trusted the Government would not object to a Select Committee next Session.

MR. DUNCAN had supported the proposition of the noble Lord last year, and his mind had no way been changed since as to the necessity of legislation on this question. The case ought to be considered. The object of the noble Lord was merely to limit the hours of night labour; and, though no person objected more than he did to interfere between the employer and employed, yet after reading the evidence of Dr. Guy, he was convinced that interference in this case was absolutely necessary.

MR. STAFFORD said, he hoped the House would allow this Bill to be read a first time. He supported the measure for many reasons: first, because of its utility. Now, upon that point he might quote the evidence of a medical gentleman (Dr. Guy), whose statement respecting the diseases to which bakers, under the present order of things, were subject, was appalling. The spittings of blood, and the pulmonary diseases which followed, were lamentable, and demanded the attention of the Legislature. It was all very well to write in the closet, and there discuss the dry principles of political economy, but when they saw a human being wasting away to a skeleton, and finally perishing, from the unhealthiness of his occupation, it was high time for the Legislature to interfere. It was this parental regard on the part of Parliament which gave the humbler classes confidence in our institutions, which made them love and revere our constitution, which held the life of the meanest and poorest subject in the same estimation as the highest. But it was said Parliament would not interfere with labour — they would not interpose between the employer and the employed. But they had broken through this rigid rule. They had interposed with respect to the factory operatives and the coalwhippers—why not interpose on behalf of the bakers? That class were very numerous in this metropolis. Why neglect them? He hoped that before this discussion closed, the House would be favoured with the opinions of the hon. Gentleman the Member for the West Riding of Yorkshire, who, as the organ of the Manchester school, would, he trusted, enunciate his opinions, and tell the House whether there was anything in the economical principles which he and the school to which he belonged advocated, which would tie a man down to a duration of toil which deprived him of health, and which, in the opinion of the most eminent physicians, of necessity materially abridged the natural period of his existence. If so, it was really a mockery to call them free Britons —they ought to be designated serfs or slaves; indeed, their life was more wretched and unwholesome than that of slaves, whose condition they so often deplored.

MR. COBDEN said, that if he understood the proposition, the House was asked to limit the hours of labour of a certain class of workmen in London. Now, that was an entirely new principle. The Coal Whipping Act had nothing in common with the proposed Bill—for that regulated the mode of hiring labourers, and did not restrict their hours of labour. As for the Ten Hours Bill, if there had been any attempt to restrict the hours of adult labour by means of that measure, he should have voted against it. But it would be admitted by all that the Ten Hours Bill was strictly applied to the limitation of the hours of labour of children in factories. The present proposition involved a new principle of world-wide application. He had been asked what his principle in respect to labour was; he would tell the House. He was for perfect freedom in this respect. He thought that the freedom of labour was to be identified with freedom of trade. The present was a case which might be argued on the same grounds as the corn laws. There must be perfect freedom of labour in the trade of bakers, or else the House would have the glassmakers, that useful class the nightmen of London, the ironfounders, and indeed every other trade, coming forward and asking to be exempted from such hard work as they now performed. He warned the House against entering upon such a course of legislation. This proposition, in point of fact, was communism, although the noble Lord did not know it to be so. He had told the noble Lord that it was communism last year, when the noble Lord made the same proposal to the House, and he told him so now. Propositions of a precisely similar character had been put forward at Paris, in the commencement of last year. What had the result been? That in June of that year there was a horrid and bloody outbreak in Paris, which he distinctly and directly traced to the disappointment of the working classes at the non-fulfilment on the part of the socialist leaders, of the promises they had made to them. When Louis Blanc undertook that the State should become shoemakers, and tailors, and bakers, it was predicted that there would be a fearful reaction, when the fallacy became manifest, and a fearful reaction there was; so, if the State here undertook to regulate the hours and the mode and the remuneration of labour, and to provide healthful employment for the adult operative, depend upon it there will be terrible disappointment and terrible excitement when it was found out, as found out it soon would be, that the State had been taking upon itself a function which did not belong to it. The noble Lord admitted that he did not propose the principle to stop here: he admitted that he had no desire to exclude the Sheffield knifegrinder and his unwholesome occupation from a similar concession; that any trade which should make out a good case for such interference, should have interference extended to it by Parliament. The noble Lord, were his views adopted, would soon find out, to his bitter regret, how mistaken his benevolence had been. Allusion had been made, and very fairly, so far, as a question between modern freedom of trade and ancient restriction, and regulation, with reference to the old guilds; we had superseded these old guilds, happily, but let him ask, what were they when they existed? Little tyrannies, petty oligarchies, set up by a few privileged men in each particular trade, to prevent other men in the same calling from getting a livelihood. First, small bodies of men had got together in towns as a refuge from feudal oppression; by and by, as they advanced in the world, they made trade regulations for their own guidance; but still later, they extended these regulations to the exclusion of all other than themselves from the exercise of their particular trade. What was the effect of this exclusion? That the persons excluded set up their trade in places where these guilds did not exist, and the effect of this was that in previously obscure villages, the most flourishing trade had grown up, while the towns favoured with guilds had declined. Did these guilds exist in London, the Scotch bakers whom the hon. Gentleman had spoken of as coming up to exercise their trade here, would not be permitted to exercise it here at all. As to the grievance of the bakers, *primâ facie*, he thought there was something rather suspicious in the proposition that they would come up 400 miles from a country noted for the calculating caution of its inhabitants, to exercise a trade in London, if the trade were really so very bad in every way as it was represented to be. He objected to the proposition, however, more particularly on the gronnd that it was not the business or the policy of that House to meddle with the management of trade as between employer and employed. That House had enough to do, and more than enough to do, in transacting the business which really appertained to it; if it must insist upon a Ten Hours Bill at all, let it give itself a Ten Hours Bill, and set an example of more reasonable hours of work to the rest of the community. If the baker were to have a Bill, we should before long have the country labourer coming up to town for a Bill; the poor fellows who fagged away at bean threshing, for instance, were as hard worked as any body; and the wretched, draggled-tailed women who toiled at turnip hoeing, might make out a very fair case of grievance to the public, as they had made out, by the mere exhibition of their heavy labour, without any appeal at all to the hon. Gentleman opposite, who, when he was an amateur farmer, was so hurt at the sight of the weariness of his own turnip hoers, that he sent them home. He intreated the House not for a moment to encourage the idea that the labourer must look to Parliament for employment. The great principle was in every way to teach them to rely upon themselves.

Sir G. GREY said, he should not have risen, but to state the reasons why the Government could not assent to inquiry. All, however, he need do, was to remind the House of the discussion of last Session, upon the Motion for a Select Committee, and that the reasons he then urged were still in full force. Those reasons were twofold: first, that the information sought to be obtained was already before the House; and, next, that it would only encourage a vain and delusive hope, leading to inevitable disappointment, that the appointment of a Committee could lead to a legislative remedy for the evils of this class of persons. With regard to the Coalwhippers Act, he would read a few words which had fallen from the right hon. Gentleman the Member for the University of Oxford, upon the argument that it was an interference for the protection of labour:—

> "He, for one, had taken great interest in the case of the coalwhippers, and was very far from repenting the course he had pursued with respect to that measure. The House would be very much misled were it to suppose that measure constituted a precedent for interference in the present instance. He should state very shortly what were the objects of that measure. A custom had grown up between the masters of coal vessels and the publicans, in that part of the city of London where the coalwhippers exercised their vocation, by which it invariably happened that the men whose services were necessary to discharge the coal ships were hired through the publicans. The publicans had come to be hiring agents. The consequence was the greatest demoralisation—a demoralisation which he should have said was complete, had it not been for the fact, that the men were conscious of the servitude to which they had been reduced, and were unfeignedly anxious to escape from it. The Act did nothing to regulate wages or the hours of work; it did nothing towards the inspection of labour. All that the Act did was to establish an office and a public officer to control it; and it was required, under the sanction of a penalty, that every one having a coal vessel to discharge should repair to that office for the purpose of hiring men. Even that provision was attended with subsidiary arrangements which were intended to exclude interference. Whatever might be the merits or demerits of that Act, it did not form a precedent."

He agreed with his right hon. Friend that the House could not sanction the principle of this Bill, and that if it were sanctioned there would be no limit to it. He had risen, however, to caution the House against any impressions that the Government could consent to a Committee of Inquiry.

Lord R. GROSVENOR felt it necessary to go to a division, as the right hon. Gentleman had held out no hopes that any measure could be taken, or Committee appointed, with the view of remedying the grievances to which the Bill related. It was well that the persons who were interested in the question should see what was really the mind of the House. In answer to a question which had been put, he begged to state, that the measure would not require one single inspector. In every instance in which the Legislature had deviated from what were held to be the strict principles of political economy with respect to the question of the employer and the employed, beneficial results had ensued. That circumstance would make him persevere in endeavouring to effect the object he had in view, whatever might be the result of the coming division.

The House divided:—Ayes 19; Noes 77: Majority 58.

SMITHFIELD MARKET.

Mr. MACKINNON presented a petition from several of the leading medical men of the metropolis, complaining of the sale of diseased meat in the London markets as being most injurious to the health of the inhabitants. The hon. Gentleman then proceeded to call the attention of the House to the report of the Committee on the removal of Smithfield Market. With regard to the constitution of that Committee, he might be allowed to say, that eight of its members had been selected from the Committee of 1847, and the remaining seven were chosen on account of their high station in that House, and of their being connected with the grazing interest. He thought it right also to premise that he did not believe there was a single individual on that Committee who had the slightest personal interest in the removal of Smithfield market. He said this, because he knew that rumours had gone abroad that some of the members of the Committee had a private interest in the removal of the market to another site; but both on his own part, and on that of the other members of the Committee, he was able to say, that not one of them had the slightest interest with regard to the selection of another site. Therefore he thought it would be admitted that the report of the Committee had emanated from fifteen honest and honourable men. With regard to that report, he might state the substance of it in three words. It was simply this: that Smithfield market, from its deficiency in size, and from the inconvenience which was thereby created, ought to be abolished; and that the area of a new market, its site and locality, should be left in the hands of the authorities of the city of London; or if they declined, in the hands of the Government. The great leader of public opinion in this country, which had been called by an hon. Gentleman opposite the Bude-light of the press, and which was remarkable for either following or leading public opinion on all occasions—the *Times*—had expressed itself as being entirely in favour of the removal of Smithfield market; and therefore there was some ground for supposing that the current of popular opinion was in favour of the decision of the Committee. The question was not one as to the mere removal of a market, but it was a question as to the best manner in which two millions of human beings were to be fed—it was a question involving the health, comfort, and enjoyment, with regard to food, of two millions of Her Majesty's subjects. Now, in the first place, the report stated that the area of Smithfield was too contracted. It was a singular fact that Smithfield had been a market for upwards of five hundred years, and yet even in the earliest times the site was thought to be an improper one. How much more so it had become in the nineteenth century, he need not ask the House to consider. When they bore in mind the vast number of cattle that were annually brought into this town for sale, it must be obvious that an area of 5¼ acres, which was all that Smithfield contained, was not sufficient for the purpose to which it was devoted. It was said, that the Corporation of London derived a revenue of between 5,000*l.* and 6,000*l.* from this market, and that if the market were removed, the loss to the corporation must be made good by the country. He considered that to be an erroneous impression, because he did not see why the profits or tolls of any other market to be selected, should not be given to them to the same amount as they now derived from Smithfield. But in addition to that consideration, the Committee were of opinion that Smithfield ought not to be enclosed, but should be converted into a square which would occupy about four acres, while the remaining acre and-a-quarter would be devoted to a range of handsome buildings, the rents of which would go a great way in making up for the loss of tolls sustained by the corporation. There was a vast amount of evidence tending to show that the area of Smithfield market was much too small. In the year 1809 a deputation from the city of London waited on the Board of Trade, praying for an enlargement of Smithfield market; and the answer they received was, that "by no possibility can the enlargement of Smithfield market be made so as to meet the convenience of the public in any manner what ever." In 1731, there were only 38,000 head of cattle taken to Smithfield market in one year. About the middle of the century the number had increased to 150,000, while, in the year 1846, the supply amounted to 310,000 cattle, and 1,600,000 sheep. In 1828, a Committee sat on this subject, and their report was—

> "That the passing of live-stock to and fro from Smithfield is a nuisance to the inhabitants of the neighbourhood and to the public at large, and that the present size and arrangement of the market does not afford sufficient accommodation for the live-stock therein offered for sale; and these are propositions which your Committee are prepared to maintain."

The nuisance so described was, however, after twenty-one years, still allowed to continue and to increase. It produced very great injury to the graziers, to the public, and to the butchers. With regard to the graziers, it was an injustice that the producer of cattle should be deprived of that right which every man in a civilised country should possess of selling his own produce. In Smithfield the cattle must be consigned to some particular broker, and disposed of by a salesman at the market. The salesman might sell them at any price he pleased, or else the grazier must consent to send them back to the lair at an immense loss of his property. [The hon. Gentleman read some extracts from the evidence, showing the extent of this inconvenience.] He did not think it possible to adopt any other plan in Smithfield market; but at the same time he felt that it would be a very great advantage indeed to the grazier if he had the power of superintending the sale of his own cattle; and also, if he could have lairs in the vicinity of the market to which the stock could be removed without deterioration, if he did not choose to accept the price offered. But if the injury to the grazier was great, that to the population of London in general, and of Smithfield and its vicinity in particular, was ten times greater. Professor Owen had stated distinctly in his evidence that the greatest injury to the health of the inhabitants was produced by the retention of Smithfield market in its present overcrowded state. Professor Owen stated that—

> "With regard to the places for the reception of those animals, they generally being in a ple-

thoric condition, and full, therefore of blood, and of the nutritious elements of animal food, have more weight, and their extra quantity of fat is so disposed as to impede the action of the muscles; consequently, muscular exertion becomes more difficult, and thus it follows that, muscular exertion being rendered more difficult under those circumstances, the heart's action is increased, and respiration much quickened; and if compulsory locomotion, through over-driving, is continued for a certain time, the respiration becomes unequal to the full oxygenation of the blood; in short, a state of fever is produced, and the blood is altered in quality, and that reacts upon the character of the flesh; and if to over-driving the animals in this condition, you add also pain and terror, all this tends to drive them more rapidly into that state of fever, and the consequence is, that when they are killed, the flesh as the butchers say, does not cut up bright; that is the common expression; it is of a dark colour."

Professor Owen also stated that there was no country in the world where the meat was so fine, and where there was so much attention paid to the rearing and fattening of cattle, and to the perfection of their breeds, and yet there was no country where meat was brought to market in a state so unfit for human food. This arose from the fact that there was no country where animals were so ill-used in bringing them to market, and where the mode of slaughtering them was so calculated to render the flesh unwholesome and liable to decay. The number of diseases which the unwholesome character of the meat offered for sale engendered, was also dwelt upon in the evidence; and there was one disease—cancer—which was said to be extending considerably among the lower classes from this cause. Many medical men had given it as their opinion that this disease was much more frequent than it used to be, and that its increase was owing to the disgusting and filthy manner in which animal food was kept, and allowed to be tainted, if not putrified, and then sold for the use of the people. Comparing London with other great towns in Europe, he believed that the drainage was much more efficient than in most other capitals, yet might be greatly improved, and that there was consequently less mortality here from the use of impure meat than would otherwise prevail. With regard to the nuisance arising from the driving of cattle through the streets, the evidence of Professor Owen and of the other medical witnesses was, he thought, conclusive. [Mr. OSBORNE: No, no!] The evidence was certainly conclusive, he would repeat, to this extent, that the present system of selling and slaughtering cattle in the metropolis, and of making tripe and disposing of the offal, was most injurious to the health of the inhabitants. Dr. Gavin, one of the witnesses, had stated that there was more sickness in the vicinity of Smithfield, arising from the stench and putrefaction of slaughtered animals, than in any other lolocality in that part of the metropolis. But there was also an injury sustained by the butchers, as the meat of animals so treated was more liable to decay than country killed meat. This injury, however, most probably fell ultimately on the consumers. The beasts were subjected to dreadful brutalities. Their horns were sometimes broken. Sometimes their hoofs were torn off. At other times their hides were shockingly lacerated. In fact, beasts were at times so injured as to be scarcely fit to be cut up. One butcher stated to him (Mr. Mackinnon) in the Committee, when examined, that he always knew cattle that had come from Smithfield by the number and variety of the injuries they had sustained. Another evil attendant upon the sale of cattle in Smithfield was consequent upon the vast importation of foreign beasts and sheep which now took place. Those foreign cattle were in many cases diseased. Amongst the sheep, in particular, the small-pox was very prevalent. Being landed, and usually driven into Smithfield during the night, where they were penned in close contact with other sheep or cattle, those diseases were communicated. There was no possibility of discovering the presence of the disease. The inspectors themselves were often totally unable to discover it. And when the sheep were purchased by graziers, who intended them for stock and drove them home, the infection was carried to and spread amongst the sound flocks. There was one noble Lord, a friend of his, whose name he would not mention, who had 2,000 sheep contaminated in that manner, and no doubt before he discovered it, many of those diseased sheep might have been sent to Smithfield and sold. Hon. Gentlemen might assert the contrary, but he would maintain Smithfield market was a most shocking annoyance. Besides the terror it occasioned, and the cruelty of which it was the scene, it was the source of great loss to the butchers and to the public. The only persons who did not suffer by it, and to whom, on the contrary, it was a source of gain, were the salesmasters. He believed that every individual member of the corporation was in favour of its abolition; but they were kept in awe by the salesmen, by whom also the butchers were influenced, and the latter had great influence in the Common Council. [Mr. Alderman Sidney: The corporation does not consist of the Common Council.] He was perfectly aware of the fact. But nevertheless he repeated that the influence of the butchers in the Common Council was what overawed the corporation. There was a combination between the butchers and the salesmasters to prevent the removal of the market, and that combination was most injurious to the public. Several butchers had given in evidence that the price of butcher's meat in the London market was from *2d.* to $2\frac{1}{2}d.$ per lb. higher than it ought to be. Indeed, if they took the price by the carcase in Newgate-market, and compared it with the price charged to the public when the meat was retailed, they would see that from *2d.* to $2\frac{1}{2}d.$ per pound more was charged than ought to be to the upper classes of the community, even allowing the customary profit of *1d.* per lb. to the butcher. If a combination did not exist, the graziers would be able to look after their own sales, and effect them more advantageously for the public. Now, if they looked to the history of the area now occupied by the market of Smithfield, they would find that it was always remarkable for being the scene of cruelty. In ancient times it was the usual place where the burning of witches, or rather of persons accused of witchcraft and sorcery, took place. Subsequently it was the scene where eminent men were placed on the faggot for entertaining religious opinions different from those in authority. So they now seemed to think that its tradition for cruelty would best be kept up by its being the place where animals were exposed to injury and torture. If the House would agree to the resolution he was about to propose, he thought that the Government should undertake the task of the removal of Smithfield market. It would be a popular act. One of the first attempts at gaining popularity by Napoleon, when he was made First Consul of France, was the removal of slaughter-houses from Paris, and the erection of abattoirs outside the city. He did not mean to say that the noble Lord at the head of the Government ought to follow in the footsteps of Napoleon, but he recommended his obtaining great popularity by the somewhat similar act of removing Smithfield market and causing the erection of abattoirs. The butchers were coming round, and beginning to think favourably of such a change. A person of high character and standing as a butcher in Bond-street, had assured him (Mr. Mackinnon) that morning, that the removal of Smithfield would not be an unpopular act with the butchers when done. What he would suggest to Her Majesty's Government would be, since sooner or later the removal must take place, that in the first instance they should pass a short Bill, empowering commissioners to purchase an area of some forty or fifty acres of land wherever they should think fit. That they should then establish a market for the sale of live cattle, a market for dead cattle, and abattoirs for slaughtering, with whatever houses for the accommodation of the poorer workmen that might be necessary. If that were done by the Government, or the city authorities, the cattle, instead of being slaughtered in the cruel and horrible manner in which they were at present, would be deprived of life with as little of pain or unnecessary torture as possible. It would be too harrowing to the feelings of hon. Members, were he to go into the particulars which he had heard of the shocking cruelties attendant upon the present mode of slaughtering. And one suggestion had been made to him by a butcher (Mr. Giblet) on the subject which was deserving of attention. It was, that cattle should be killed by machinery—that the beast might be fixed with the head in a particular position, and that a heavy sledge hammer, being loosed by means of a spring, could be so directed as to fall directly upon the forehead of the beast, thereby insuring instantaneous death. It might be objected that the proposed abattoirs would be an interference with the rights of the private butchers and the slaughtering-houses. But he would let them enjoy those private slaughter-houses as well, provided they were so situated as not to interfere with the public health. He believed that the butchers would very soon find that the establishment of the new houses would not be such a loss to them as they apprehended. If his plan were adopted, he believed that the price of butcher's meat would be lowered in the London market, and that the meat would be in better condition and more wholesome than it was at present. But he did not wish to commit the Government to any definite course as yet. The resolution he was about to move was merely a declaratory one, consonant with the report of the Committee.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that the report of the Select Committee on Smithfield market, be taken into the early and serious consideration of Her Majesty's Ministers."

MR. BERNAL OSBORNE said, that in common with the rest of the House, he gave every credit to the hon. Member for Lymington for the great interest he took in the question. But he wished he had confined his energies to carrying out to its consummation the Motion which he had had so long in hand for preventing interment in towns. The hon. Gentleman had told the House that the complaint he made regarding Smithfield market depended entirely upon how far its existence affected the public health. Now if it could be proved that the present position of Smithfield interfered with the public health, the hon. Gentleman might make out a good case. But he (Mr. Osborne) did not think that the speech of the hon. Gentleman had at all made out his case. Having given his (Mr. Osborne's) serious attention to the consideration of the report, he should say that the hon. Gentleman's speech was not borne out by the evidence, which he had most wisely abstained from reading. He must be aware that the great proportion of evidence was directly against the assertions that he had made; and in a case in which so much money was at stake, it really was necessary to act with great caution. He understood that no less than 7,000,000*l.* worth of property changed hands in Smithfield in the course of the year; and before any interference was attempted with an interest such as that was, a stronger case should be made out than the hon. Gentleman had presented to them. The hon. Gentleman had alluded to the bad effects upon the public health. Nothing was more easy than to raise an alarm by a cry of that description. He had also alluded to what he called "the Bude light of the press." He (Mr. Osborne) deprecated all allusions to the public press in the House. He did not like them. He did not indulge in them himself. But he certainly could not avoid expressing his disapprobation at such allusions to a paper on which the greatest talent of the country was employed. He did not always agree with the opinions advocated in it. He thought that in a great many points it had misled public opinion; but on others it had led it well. [Mr. MACKINNON: Led and followed.] He believed that in the present case it had neither led nor followed. The fact was, a great many old ladies, who were alarmed by meeting cattle in the streets, had gone to the hon. Gentleman, and had said, "Oh, Mr. Mackinnon, you are a friend of your species, for God's sake get Smithfield market abolished." But how had the hon. Gentleman set about making out his case? In the first resolution in the report it was set forth that "it is proved by experience that the existence of Smithfield market is attended with great inconvenience." The House would observe that it was said to be "proved by experience"—why not "by evidence?" They had evidence enough, but the case was not proved by the evidence. It was not proved certainly by the evidence of the butchers, nor of the graziers, nor of the medical men, because there the evidence was totally contrary to the case of the hon. Gentleman. The medical men's evidence went quite the other way. The hon. Gentleman had adverted to the evidence of Professor Owen. As a lecturer on science, he had a great respect for Professor Owen; but that gentleman never had a case of private practice in his life. It was the same with Mr. Grainger. In the first place, he should observe, that it was proved by all the evidence that Smithfield was a peculiarly healthy locality. One medical gentleman, Dr. Fortescue, gave as a reason for the peculiar healthfulness of the neighbourhood, that it was fifty feet above high-watermark at London Bridge; and said that there was only one case of cholera known to have occurred there in the year 1832. [Mr. MACKINNON: Dr. Gavin.] He would not take Dr. Gavin's evidence, because he was the one solitary doctor upon whom the hon. Gentleman had to depend. He was that party's great gun. But what did Dr. Fortescue say? Why, that the open space of Smithfield was positively a blessing to the place. Now, if they were to base their case upon doctors' evidence, let them see what it amounted to. Let them have a few facts. [Mr. MACKINNON: You have not read the evidence.] Well, then, would the hon. Gentleman show him in what part he would find those facts that were not the case he had just stated. Would he tell him how many instances had occurred of beasts from Smithfield disturbing tea parties by walking up stairs, and into first-floor rooms? He had better move for a return of the number of tea parties in first floors interrupted by unexpected visits of bulls from Smithfield. What was the opinion of the inspector of sewers? Why—

> "That Smithfield was drained by 2,000 feet of main sewer, averaging 4 feet 6 inches in height, by 2 feet 9 inches in width, into which the market was drained by 28 gullies, each furnished with a trap."

In fact, that it was the best drained part of the metropolis, the water running through the sewers at a strong flush, and the smell being wholly repressed by the traps to the gullies, preventing those horrible effluvia so much complained of in Belgravia and about the neighbourhood of the House, causing an hon. relative of his to say the other night, that the smells in the House were beastly. In Mr. Sadler's evidence it was stated that there were (including the smaller drains) 11,000 feet of sewerage, and four flush gates, which thoroughly drained the market, and that in all the sewers the water ran with great velocity. Dr. Lankester, the lecturer at St. George's Hospital, said that the large sewers and drains of Smithfield were excellent. Dr. Lynch, again—for as it was a question of doctors he would go through the weight of medical evidence, the more particularly as he did not think that hon. Gentlemen were justified in alarming the people of the metropolis with their cries of "mad bull!" and "cholera!" He supposed that the hon. Gentleman would not dispute the evidence of Dr. Lynch, or deny that it was against him. [Mr. MACKINNON: He is a servant of the city of London.] He might just as well, on his part, say that the Committee was packed, and that there were persons behind the curtain pulling the strings—persons who were interested in forming abattoirs at Islington—as for the hon. Gentleman to say that Dr. Lynch was a servant of the city of London. But he would not deal with the question after such a manner. But at all events Dr. Fortescue said that the wide opening of Smithfield was a blessing to the neighbourhood. Dr. Burrowes said, that, taking one day with another, Smithfield was one of the purest sites in the city of London. Mr. Lawrence was of a similar opinion. He was the treasurer of St. Bartholomew's Hospital. And when the hon. Gentleman talked about enlarging the streets and the area, was he not aware that the city of London had recently enlarged the area of Smithfield, and that the trustees of St. Bartholomew's Hospital had pulled down several houses for the same purpose? The hon. Gentleman was bound to consider the question upon a broader basis than that viewed by a mere partisan. The Hon. F. Byng, one of the most active of the commissioners of sewers, considered the market as being rather conducive to health. Mr. Lynn, the surgeon, was of the same opinion; and Dr. Conquest, who lived in the neighbourhood 56 years, and practised there above 20, considered it not more unhealthy than any other part of London. There was less of fever than in other places; and as to cholera, he knew of only one case in the year 1832. And, with regard to cholera, he (Mr. Osborne) should say that he believed a great deal of it was created amongst nervous persons by such alarms as had been given by his hon. relative, and those other hon. Gentlemen who had come down and talked about the danger of it. There was another argument which he should call the driving-into-the-first-story argument. He would read a little bit of evidence touching that point. He had before him the evidence of the coroner of the city of London (Mr. Payne), who was not a creature of the corporation. A more respectable man than Mr. Payne did not exist, and the rate in which he was held was indicated by his position on the poll when he contested the representation of the city of London. When he retired from the contest, Mr. Payne gave 3,000 votes to the poll of the noble Lord at the head of the Government. Mr. Payne said he had searched his register of inquests for the last seven years, and the only cases he had during that period of deaths caused by bullocks in the city of London amounted to two, namely—one, a little girl, named Mills, who was killed by a bullock in Lower Thames-street, in October, 1845; and the other, a little girl who met her death in a similar way in Bridge-street, Blackfriars, in October, 1846. Did the hon. Member for Lymington mean to say that the small-pox in the sheep in the market was owing to the confined space in Smithfield market? Why, the hon. Member had said the sheep had come to Smithfield with the small-pox. Did the hon. Gentleman suppose that he could manage to give every sheep a loose box to himself? If such a proposition was sought to be carried out, the Government would have enough to do to furnish loose boxes for the sheep in the country. In the evidence taken by the Committee which sat last year, 6,580 questions were asked, and 5,000 of the replies were in favour of continuing Smithfield. The House could only legislate upon the evidence taken before the Committee. If the evidence of Committees was to be disregarded, the whole system of appointing Committees was a farce and a delusion. Then the hon. Gentleman came down to the House and said, he and his party would not do anything, but they would throw the onus of improving or removing Smithfield market on the Government. That meant nothing more than having an English pull at the Exchequer. What did he suppose would be the price of the market? If that market was abolished, the building ground in Smithfield would be excessively valuable. The corporation raised no less a sum from the market than 5,600*l.* per annum. If the hon. Gentleman made out a case that the health of the metropolis was seriously jeopardised by Smithfield market, he (Mr. Osborne) would say there was no sum of money which would not be well expended in its removal; but he did not think that the hon. Gentleman had made out any such case.

Mr. Alderman SIDNEY said, that the value of Smithfield was not the toll paid to the city of London, but the commerce of the city of London which was brought to such an immense amount annually by this market. The value of Smithfield was estimated at seven or eight millions sterling. On large market days it was stated that as much as 30,000*l.* was spent in merchandise in the city of London by parties coming to the market. He asked the hon. Gentleman whether he did not think it right to take into consideration the vested interest of persons in trade connected with Smithfield? For what reason should the House interfere with channels of commerce so extensive in their nature as those of Smithfield market? The owners of property would have a right to ask for remuneration. It had been said that hotels on the lines of railways were not remunerated; but the two cases were totally distinct. In the case of the old turnpike roads, although the traffic was removed, the use of the roads was not prohibited; but, if by an Act of the Legislature, Smithfield, which had existed probably for upwards of twice 500 years, was to be closed as a market, then they were bound, not only to see the vested rights of the corporation of London respected, but the vested rights of those owners of property deriving benefit from the market. The House paid the corporation of London a poor compliment in wasting its time in discussing this question. The corporation of London had debated for three successive days the policy of removing this market, and they were almost unanimous in their decision; for of the 226 members who composed the corporation, only 12 were for the removal of the market. If Smithfield market were to be removed on the ground of a nuisance, how long would it be before Newgate was removed, and Leadenhall market, where the hides of oxen and sheep were sold? How long would it be before they asked for the removal of Billingsgate? The trade of the city of London, and much of the employment of its population, arose from its markets. As well might they ask for the removal of the steam-engines and chimneys which enriched Manchester. An hon. Member might get up a Committee of Inquiry, and prove that smoke and the noise of steam engines was a nuisance. The neighbourhood of Smithfield was not only not unhealthy, but the reverse. He would prove this by five large establishments in the neighbourhood. First, there was the West London Union Workhouse, numbering between five and six hundred inmates. He paid a visit of inspection the other day, and found all the inmates to be in a healty state. There was the crowded gaol of Giltspur-street, numbering frequently between 300 and 400 persons, covering half an acre of ground; and the gaol of Newgate; and he challenged comparison with any other gaols in point of health. He might also take St. Bartholomew's Hospital, where they had 50,000 patients annually, and the united testimony of whose directors was that a healthier site could not be found in the metropolis. There was, then, the Charter-house and Christ's Hospital, where there were 1,000 boys, and where the average of deaths for the last seven years had not been more than five for every thousand. On the ground, therefore, of the unhealthiness of the spot, the present attempt must fail. The only argument that then remained was, that the site was too narrow for the extraördinary quantity of cattle. Here he must add that the constant agitation of this question prevented the corporation from taking those effective steps towards increasing the size of Smithfield which otherwise they would be bound to take. The hon. Member was wrong in saying that the corporation had done nothing of late years. They had enlarged the site of the market, and it was now six acres; they entertained the idea of purchasing property for the permanent increase of the market. As to instances of cruelty, he was quite sure that they would not be abated by any change of neighbourhood. It was impossible for any place to be found in which there was more attention and anxiety to prevent cruelty to animals. Before the House passed a resolution pledging themselves to the removal of the market, they ought first to hear the fullest evidence. He had carefully read that evidence, and if he sat as a juror, he should give a verdict, "not proved, upon my honour."

SIR DE LACY EVANS concurred in what had fallen from the hon. Alderman, and complained that there had been something very much like packing in reference to the formation of the Smithfield Market Committee, and a decided disinclination to put the metropolitan Members upon it, he himself having been two or three times strenuously excluded from it. This showed clearly enough how the matter stood, and that the Committee had made up their minds before the evidence was heard. The hon. Member for Middlesex, however, had turned the whole case into ridicule, and he was far from saying that it did not afford a very fair field for the exercise of his faculties in that capacity. As the hon. Alderman who had just sat down had observed, the real truth was, that the only ground on which the case against this market could at all be supported was that it was not sufficiently large for the wants of the metropolis. The statement, however, which he had made, that the corporation were anxious to enlarge the market, might be taken as a pledge of the wishes and intentions of that body.

SIR E. FILMER, as a Member of the Committee, could say that, throughout the whole of the sitting, it appeared as if there was one party cutting against another, and one market against another; which rival markets hon. Members were forbidden to mention. The evidence was of so loose and contradictory a character, that he should recommend that it be taken, in future inquiries of a like character, upon oath, as was done before Committees of the House of Lords; for there was nothing of which he felt more entirely convinced, than that unless the Committees of that House took the evidence brought before them in a manner to afford just grounds for confiding in its accuracy and trustworthiness, their investigations would be of very little advantage to the public.

LORD R. GROSVENOR said, that if Smithfield alone were to be considered, the crowding of cattle would be compensated in a sanitary point of view by the pains taken to clean the market, and the fact of having so large an open space in that part of the town. But it was not Smithfield alone that was to be looked to, but the streets and alleys in its immediate neighbourhood, with their knackers' yards, bone grinders, gut spinners, and various other similar establishments, which, collected within a small area, and amidst a dense population, continually exhaled the most noxious effluvia. If hon. Members had read the evidence, they would see that every one of the witnesses—even those pecuniarily interested in the maintenance of the market—were agreed upon one point, and that was, that the market was not large enough for the wants of the country, while there was no possibility of having it properly enlarged. On these grounds he had voted for the report. As to Government compensating the city of London in case of removal, he did not believe there was any valid claim for compensation in that quarter. His opinion was, that if the revenue derivable from Smithfield market were set on one side, and the expenses on the other, it would be found that the corporation made nothing at all by the property. As to enlarging the market, it would be impossible to get ground for the purpose, except at an expense which he felt sure the corporation would not undertake. With respect to another claim for compensation, that of the traders in the vicinity of the market, he was of opinion that that claim should never have been set up. They had no claim whatever, their case being precisely that of the innkeepers injured by railways; and they must only follow their trade, to whatever might be its locality. The long time, 500 years, during which it was alleged the market had been held at the same place, was urged as an argument against its removal. He looked upon it in a contrary point of view. The market which served London 500 years ago, was manifestly insufficient now, and another should be provided more suitable to the times, and to the immensely increased size of the city. He was sorry to advocate any thing which might create loss to individuals, but he thought that the removal might be effected gradually; and besides there was no reason why the trades of the various parties should not thrive as well in a new locality. His opinion was, that on the Government should devolve the duty of selecting a site for the new market, when the care of it might be given to the corporation, who had certainly done their best to make the present circumscribed space fulfil the purpose intended. His wish had been, in the Committee, that a Government commissioner or inspector should be appointed for the purpose of selection. He had not at all looked upon the question as a struggle between Islington and Smithfield. Islington had never entered his head, as in his opinion it never could be made a suitable market. In his opinion, the market should not contain less than fifty acres, while Islington contained only fourteen. Further, he thought that there should be public slaughter-houses out of the town; and if such changes could be effected gradually, his firm belief was that great good would result to the community.

Mr. BERNAL OSBORNE said, his statement as to the revenue arising from the market had been questioned by the noble Lord who last addressed the House. He (Mr. Osborne) begged to say that he held in his hand an account of the net income of Smithfield market, from the 1st of January, 1844, to the 31st of December, 1848; and the net annual income of the city of London, given by that paper, was in 1848, 5,641*l.* 9*s.* 10*d.*

Lord R. GROSVENOR said, he would certainly undertake to produce a table showing the revenue arising from the market, though he had it not by him at that moment, from which it would appear that the city of London did not receive one farthing of that revenue.

Mr. STAFFORD observed, that though he had listened attentively to the speech which the House had just heard, yet he confessed himself somewhat at a loss to imagine how his noble Friend intended to vote. As to his hon. Friend the Chairman of the Committee, he was so completely absorbed by the subject of Smithfield market, that on a recent occasion he found it very difficult to define what he meant by smoke; and as to the evidence taken before the Committee, his hon. Friend seemed to think, that, like the meat to which it referred, there was no keeping it, and he was, therefore, evidently most impatient to serve it up to the House as soon as possible; hence, notwithstanding the morning sittings and the pressure of business towards the close of the Session, he urged this subject upon the attention of the House and the Government with extraordinary earnestness. It was to be regretted that his hon. Friend had so little confidence in the Government, and that so great were the eagerness and haste with which he pressed forward on this subject, that he went in direct contravention to the resolutions adopted by that Committee of which his hon. Friend was himself the chairman. As to the degree in which Smithfield was supposed to affect the health of the citizens of London, he believed that that question was set completely at rest—that the case in favour of Smithfield had been clearly established. Then, as to the enlargement of the market, although the population of London had reached to a very high amount, yet that of itself did not create a necessity for enlargement, inasmuch as the increasing wants of the metropolis were supplied by an increased transmission of dead meat killed in the country and sent to London by the railways. Amongst the gravest complaints urged against Smithfield market was, it created a necessity for driving cattle through the streets. Now, the hon. Gentleman told them that he would not abolish the slaughter-houses existing in various parts of London; and surely, if he did not, it signified little—so far as driving was concerned—where the market was situate; for so long as private slaughter-houses were permitted to remain, cattle would be driven through the streets. Even the establishment of Islington market, though a favourite scheme, would not prevent that evil. It happened, however, that that undertaking had proved an egregious failure, though it possessed the name of W. A. Mackinnon as a trustee and honorary director. If twenty or thirty markets were built in various parts of London, Smithfield would have nothing to fear from free competition. Neither the butchers nor the graziers would go to any other markets. He should now come to the question of cruelty. Some cases of great cruelty exercised towards animals were mentioned in the report; but he thought, considering the great number of cattle collected in the market, that it would be very difficult to prevent cruelty in all cases. The testimony of the witnesses, however, went to prove that these cruel practices were diminishing; and he believed it a vain delusion to suppose that by removing the site of the market they could altogether prevent such practices. The question of the cruelties committed in slaughter-houses, and of the nuisances arising from boneburners and tripemakers, had nothing to do with the locality of the market. Those nuisances might be put down under existing Acts of Parliament; and the witnesses who had complained most strongly of such nuisances almost unanimously admitted that they had never taken any measures for their prevention. The hon. Member for Lymington had not alluded to one important part of the question—the great extent to which Smithfield was now used as a transit market. The farmers in the southern counties found it to their interest to fatten their sheep, and cattle at a certain period of the year, and to send them to Smithfield for sale to dealers from the northern counties; and at another period of the year they came to Smithfield and bought cattle for their own use. Now, how would it be possible, if this system, which had grown up from the establishment of railways, continued, to prevent the driving of cattle through the streets? In the case of foreign cattle, also, which might be landed near a populous part of the city, how were they to be conveyed to the market without being driven through the streets? The question was one of so much magnitude, and with which so many interests were interwoven, that it was one with which it was very difficult to deal. If they determined that the market should not continue to be held in Smithfield, to what site would they remove it? If they placed it far from the metropolis, they would increase the expenses of the butchers, who would raise the price of meat to the consumers; and if they placed it near this advancing city, which was spreading out its streets in all directions, they might, before they had concluded their arrangements, find all the inconveniences of the dense population now accumulated in Smithfield. Then, if the market were removed, was Smithfield to be left an open space? Every one admitted that was very desirable; but no doubt the corporation of London would insist upon erecting buildings in such a valuable situation. It had been said that the price of meat was high in London in consequence of the maintenance of Smithfield market; but he could assure the House that meat was not dearer in London than it was in the country. Although the price of some joints of meat might be higher, others were cheaper, and he believed the average was much the same. But he might whisper to some hon. Gentlemen what had been whispered to him by west-end butchers—that if Gentlemen allowed their servants to take a large percentage, and did not pay till 1851 the bills which were due in 1849, it was very unfair to charge the poor butchers with raising the price of meat. The hon. Member for Lymington proposed that a Bill should be passed enabling certain commissioners to buy forty or fifty acres of land for the purpose of establishing a market; but it would doubtless occur to the Chancellor of the Exchequer, that it was necessary such commissioners should be provided with money for the purchase of the land, and where were these funds to be obtained? He thought they had better decide to what site they would remove the market, and in whose hands they would place its management, before they realised the fable of the dog and his shadow, and abandoned the meat they now had for the shadow beneath them. The question was, whether the House would act in opposition to the decision of the Committee—whether they would decide that they would not trust the Government to take the subject into consideration, but would force an immediate determination upon them. As no definite plan had been laid before the House for the substitution of another market in the place of Smithfield market, he would oppose the Motion.

SIR J. TYRELL would support the Motion. He admitted that Smithfield market might to some extent be a transit market; but still it was necessary to establish a sort of quarantine after cattle had once been in there, in order to free the said cattle from any disease they might have imbibed. He also admitted that the hon. Member who had just sat down had adduced all that could be said in favour of the market, derived as his information had been from the whispers of the butchers; but it must be recollected in a matter of this kind that the consumer and the butcher had in some respects a conflicting interest. At present the owner of cattle was compelled to sell at almost any price in the winter months, if his beasts were driven to Smithfield; and, therefore, it was desirable that a larger market should be erected in a less objectionable situation, where the cattle could be supplied with sheds and water, and where they could be kept until disposed of, at a reasonable cost. It was probably true that Essex, the county he had the honour to represent, was interested in matters remaining as they stood at present, and that there were advantages, in a commercial point of view, in having Smithfield market in the neighbourhood of the Bank of England. The hon. Member for Middlesex, who had advocated the interests of the butchers, was perfectly welcome to make the most of that admission. [Mr. OSBORNE said that he had advocated the interests, not of the butchers only, but of the public.] The hon. Member was called "the butchers' pet." He believed that the hon. Member, and also the hon. Member for Northamptonshire, were promised a fish dinner—concluding with roast beef and plum pudding—at the conclusion of this Smithfield debate. But whatever their advocacy might have been, and however elaborate might have been their defence, still the broad facts were these—that there was great opposition upon the part of the city of London, represented by the First Minister of the Crown, to Smithfield market being removed; that vast interests must therefore be come in contact with; and that, although the hon. Member for Middlesex might consider himself one of the *élite* in representing popular grievances, still that it would be a great public advantage if another market were established in a suitable situation.

MR. ORMSBY GORE said, that the hon. Member for Lymington had been wrongfully accused of pressing this subject with unnecessary eagerness upon the Government. All the hon. Member and the country were anxious for, was to obtain from the Government some announcement of their views, not upon all the minutiæ of the question, but upon the point whether it was their intention to countenance the labours of the Committee. A great part of the debate had turned on the sanitary state of Smithfield market. He looked upon that as the weakest ground the Committee could have taken, and therefore all the supporters of Smithfield had seized and enlarged upon it. But he must take the liberty of setting the hon. Member for Middlesex right with respect to some of his assertions on this point. It was true that Dr. Lynch had described Smithfield as being most salubrious; but in answer to a question, he had also stated that if he had a guarantee that the area of Smithfield would be kept open as a square for the purpose of recreation and health, he would much prefer that state of things to the existence of the market. The hon. Member for Middlesex was also mistaken when he stated that but one or two witnesses had spoken against the unwholesome influence of Smithfield; for amongst those who had given such evidence were Mr. Aldis, Professor Owen, Mr. Bullen, Mr. Grainger, and Mr. Grimes, the latter's evidence being the more remarkable on account of his having lost his wife through fever produced by malaria. In 1809, so convinced were gentlemen connected with the city of London of the nuisance of Smithfield market, that a deputation from the City Lands Committee waited upon the Board of Trade, having in view an enlargement of the market; but the Board of Trade told them that the inconvenience could not be removed by enlargement, but that the removal of the market to a more convenient situation, and to a space not less than twelve acres, was necessary. Where could the city of London, if they retained the market within the walls, get twelve acres for such a purpose? Yet forty years ago it was thought necessary that the space should not be less than twelve acres. It was said that the butchers and salesmen were very much opposed to a change of the site of the market; and so were the butchers of Paris before an alteration took place there; but having had the benefit of experience, they would not now consent to have the market in the interior of the city. Was it not extraordinary that this great metropolis, the first in the world, should be the only city in Europe which had the nuisance of a cattle market in its very centre? In all the great towns—in Manchester, Glasgow, Shrewsbury, and others—the nuisance of the cattle market was being removed without the walls. He would ask the opponents of the removal of Smithfield how they would like, supposing the cattle market did not exist in its present locality, if the Government were to attempt to impede the free and open circulation of the city by establishing a market in its centre? After adverting to the cruel treatment of the cattle and sheep in Smithfield market in consequence of its confined space, the hon. Member noticed the increase which had taken place in the animals sent there to be sold. In 1830, 159,000 cattle were sold in Smithfield; and in 1846, sixteen years afterwards, the number sold had risen to 210,775, being an increase of 51,775 head of cattle. In 1830, the number of sheep sold amounted to 1,287,000, and in 1846 to 1,518,500, being an increase of 231,000 sheep. The population of the metropolis was increasing, and, of course, the supply must increase; but it appeared that the area of the market must not. When Smithfield market was first established, it was placed within the walls; and all that was now asked for was, that it might be removed to some more convenient site than the present, and he trusted that the Government would hold out a hope that they would adopt some measure to get rid of this pestilent nuisance.

MR. CORNEWALL LEWIS could not allow this debate to close without offering a few remarks upon the observations of his hon. Friend the Chairman of the Committee. He (Mr. C. Lewis) was a member of the Committee last appointed, but not of the Committee of 1847, that previously investigated the subject of the removal of Smithfield market; and his object had been to come to the best opinion that he could, according to the evidence adduced before the Committee of which he was a member. At the commencement of the proceedings of the Committee, an attempt was made to treat the question mainly as a sanitary question, and various witnesses were examined to prove that Smithfield market was detrimental to the health of the neighbourhood, and ought on that ground to be removed. On that part of the case he entirely agreed with the very amusing, but also argumentative, speech of the hon. Member for Middlesex, who considered that it was not proved in Committee that the cattle market in Smithfield caused any serious injury to the health of the neighbourhood. He further thought it was proved, by satisfactory evidence, that considering the disadvantages that might arise from the congregation in Smithfield of a large number of animals two days in the week, on the one hand, and considering, on the other, the advantages arising from the existence of a large open space uncovered with buildings in the middle of the town, the balance preponderated in favour of the healthiness of Smithfield. That, he thought, might be taken as the fair result of the evidence taken before the two Committees. Strong opinions were given by the medical officers of St. Bartholomew's hospital on the subject; and he must say that he heard no evidence to show that the existence of the market could be objected to on sanitary grounds. But the case did not terminate with the sanitary part of the question. The reference to the Committee was simply the abstract question of the removal of Smithfield market. It was not called upon to choose a site in lieu of Smithfield market, but simply to give an aye or no to the question—is it desirable that the cattle market at Smithfield shall be removed? On going further into the question, it appeared to him to be proved by conclusive evidence that the space of Smithfield market was insufficient. It appeared to him that the question of the removal or non-removal of Smithfield market, resolved itself into a question of small area. The question was, whether the area of Smithfield market, as it now existed, was sufficient for all the exigencies of the public, and moreover, whether facilities existed for enlarging the area of the market in its present situation. For it must be remembered that the population of the metropolis was largely increased, and would continue to increase, while the area of the market remained the same. The hon. Member then proceeded to refer to the evidence of the inspector of the city police, given before the Committee, the effect of which was to show that the present area of the market was not sufficiently large. With respect to the Motion then before the House, the hon. Member for Lymington had, within a few days, since the voluminous blue book had been laid upon the table of the House, and without giving sufficient time for the Government to form an opinion upon so difficult and intricate a subject, proposed an address to the Crown, pledging the Government to adopt a decisive course with respect to it. He felt that it was impossible to give his assent to the Motion of the hon. Member, or to give any other assurance on the part of the Government than that they would take the report of the Committee into their consideration. At the same time, he thought that the hon. Member could hardly expect the House to come to any decision on the subject so soon after the report had been presented, and trusted that upon reflection the hon. Member would consent to withdraw his Motion.

MR. MACKINNON said, that he had been induced to adopt the course he had taken in consequence of the representation of two or three Members of the Committee, that unless he brought forward the subject in the present Session, the report of the Committee would fall to the ground as a dead letter. He had no wish to press the subject unnecessarily upon the attention of the Government; and upon the assurance that they would take the subject into their serious consideration, he had no objection to withdraw his Motion.

LORD J. RUSSELL said, that the report of the Committee having been brought before the notice of the Government, it would have been, as a matter of course, taken into consideration by them. At the same time, he wished it to be understood, that by undertaking to take into consideration the report of the Committee, the Government did not pledge themselves to the adoption of the measures recommended by the Committee.

Motion, by leave, withdrawn.

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 18, 1849.

MINUTES.] PUBLIC BILLS.—1° New Forest and Waltham Forest; Workhouse Loans (Ireland).

2° Inclosure Act (Extension of Powers).

Reported.—Advance of Money (Athlone to Galway Railway); Militia Pay; Collection of Rates (Dublin).

3° Relief of Distress (Ireland) (No. 2); Administration of Justice (Vancouver's Island).

PETITIONS PRESENTED. By Mr. Cobden, from Halifax, for Universal Suffrage; from Stratton St. Margaret's, for Repeal of the Duty on Malt and Hops; from Shareholders in the South Devon Railway Company, against the Audit of Railway Accounts Bill; from London, for Recognition of the Hungarian Republic; and from Machynlleth, for an Alteration of the Small Debts Act.—By Mr. Fox Maule, from Forfar, against, and by Mr. Forster, in favour of, the Marriages Bill.—By Lord John Chichester, from Belfast, for the Cruelty to Animals Bill.—By Mr. Hastings Russell, from Bedford, for the Juvenile Offenders and Small Larcenies Bill.—By Mr. Spooner, from Kendal, for the Protection of Women Bill.—By Mr. Tenison, from Leitrim, for Repeal of the Acts 9 and 10 Vict., c. 107 and 108.—By Mr. G. Hamilton, from Dublin, for Sanitary Measures.—By Mr. Hobhouse, from Lincoln, for an Alteration of the Sale of Beer Act; also for the Scientific Societies Bill (1848).—By Sir W. Clay, from the Tower Hamlets Sanitary Association, for the Removal of Smithfield Market.

SUPPLY—ORDNANCE ESTIMATES.

The House resolved itself into Committee of Supply.

On the Vote that 165,373*l.* be granted to defray the charge of salaries, allowances, and contingencies in the Ordnance Establishments in the United Kingdom and the Colonies,

MR. HUME said, he should not oppose this vote on the present occasion. He wished to point out the immense importance of the Government making up their minds before Parliament met again for the adoption of some determinate course with respect to the colonies. The charge on the estimates for stores for the colonies was most extravagant. If Her Majesty's Ministers would act upon the principles laid down in the letter of Earl Grey on the subject of responsible government in Canada, they might get rid of a large portion of the military expenditure in the colonies, and more especially as regarded ordnance stores and fortifications. It was much better to put expenses of this kind on the colonies, for by this means the country would save a large expenditure. He was sorry to find that the arrangement recommended by the right hon. Baronet the Member for Ripon in 1833, with regard to naval stores, had not been carried out, for there was now an immense accumulation of them. He could tell the noble Lord he would be compelled to reduce the public expenditure next year; and if he did not do so, somebody would be found to supply his place to do so. He knew that the Colonial Department wished to keep up the expenditure; but the time had arrived when a change was imperatively necessary. The amount of the expense of gunpowder for salutes was enormous, and must be got rid of. As it was, a bishop could not go from place to place in a colony without being received with a royal salute, as if he was a member of the Church militant. He had given notice of a Motion for a return of the expense of gunpowder wasted in Royal salutes, but he had been persuaded not to persist in his intention; but he must urge upon the Government the propriety of effecting a reduction in this respect. Then, again, what necessity was there for the review at Chatham on Saturday next, which would cost many thousand pounds? [Colonel ANSON: No!] He had received a letter which stated that it would cost at least 20,000*l.*; but even if it only cost 5,000*l.* it was so much money thrown away. It appeared also that the cost of projectiles in the three years, 1833, 1834, and 1835, was 3,321*l.*, while this charge for the three years, 1846, 1847, and 1848, amounted to 36,128*l.*, which was not less than a twelvefold increase. Then, again, the cost of the modern shell was not less than 11*s.* 3½*d.*, while the projectile for which this shell had been substituted, would have cost only 4*s.* 4*d.* Everything in connexion with the military establishments appeared to be carried on on a war scale, instead of a period of peace. He was awoke every morning by the noise of drums and fifes, as if London was in a state of siege. He complained that the noble Lord at the head of the Government did not take upon himself the responsibility of checking the extravagant expenditure of the various departments of the State, instead of leaving it to their discretion. He should not propose any reduction in this vote, but he must protest against the enormous and useless expenditure on stores.

LORD J. RUSSELL said, that some of the general principles upon which the hon. Gentleman had suggested reductions, had before been brought under his notice. Objections had previously been made to salutes—and especially to the episcopal salutes to which his hon. Friend had referred—and he (Lord J. Russell) did not mean to deny that some further economy might be practised in that respect. The hon. Member for Montrose, however, never took notice of any changes made in the way of economy. He (Lord J. Russell) remembered that, during the war, whenever a Peer of the realm went on board a man-of-war, a salute was fired in honour of the event. Now, these and many other salutes had been abandoned; and he thought this circumstance showed that there had been a disposition to reduce unnecessary expenditure, though he did not deny that further reductions might advantageously be made. The hon. Member for Montrose had said that he might suppose he was living in a time of war, from the constant noise of drums and fifes by which he was annoyed. Mr. Burke, however, entertained a different taste, for he stated that one of his reasons for regretting the loss of his office of Paymaster of the Forces was, that he had no longer the opportunity of hearing the music of the troops in the Park, which he considered a very agreeable sound. But, putting aside that matter of taste, he thought the hon. Member for Montrose was too much in the habit of regarding all sums expended upon military and naval defences as lost, because this country happened to be at peace with other nations. Now, his hon. Friend very often compared the affairs of the State to those of private individuals; and he would ask the hon. Gentleman what he would think of the wisdom of a merchant of the city of London, who might say, "I have very valuable articles in my warehouse; for thirty years I have been at the expense of keeping a watchman; he has cost me 1,500*l.* during that time; my property has always been perfectly safe, and therefore, I think the money has been entirely thrown away, and I won't keep a watchman any longer." He did not think a person who so acted would be regarded as pursuing a very wise or prudent course of economy, although it might be perfectly true, as he had had a watchman on his promises, that his property had never been plundered. He believed that that was just the case of this country, and he was by no means clear that if they had been entirely defenceless they would have continued in as peaceable a state as they had happily experienced during the last thirty years. He would not enter into any details with respect to the stores. His hon. Friend had truly said that the Treasury were responsible for those matters; and he (Lord J. Russell) did not deny that responsibility. He did not deny that it was his duty to consider the report of the Committee during the recess, and at the next meeting of Parliament, either to justify the several items to which exception had been taken, or to discontinue such expenditure. With regard to the question of taxation, the right hon. Member for Stamford had stated on a former occasion that since the conclusion of the war the balance between taxes repealed or reduced, and taxes imposed, had been in favour of reduction to the amount of 39,000,000*l.*, and this statement had not been contradicted.

MR. VERNON SMITH, adverting to the efforts of the hon. Member for Montrose, said, that no one had done more for the cause of economy than that hon. Member; but he rather frittered away a good cause, as when he concluded his speech by introducing the subject of saluting the bishops. There was undoubtedly a great case for economy, and his noble Friend at the head of the Government did not deal with it fairly, when he put the case of a private individual who, having kept a watchman for a number of years, dismissed him at last because his property was safe and untouched. The Government had kept up an amount of stores calculated for the two years' expenditure of the last European war. On what principle did they mean to keep up that stock? Did they mean to keep up sufficient to exterminate the whole of Europe? It was the amount which they had at the close of the last European war. Could any war break out, on that immense scale, suddenly? His noble Friend was himself the watchman, and he put it to him whether it would not have been better that, during the 30 years of peace, we had not kept these stores, but had paid for them when they were wanted? They would have been bought at an enormous expense he granted, but not at such an enormous expense as the expense of the stores we had kept. The hon. Member for the West Riding had stated the other day that there were now six and a half millions of stores in our possession. This was not all; there was the expense of the stores, of warehouses, of establishments, the waste of perishable materials, and not only this, but there was, in the present state of civilisation, always something new coming out, which made all the old stores absolutely useless. The improvement of detonating locks made flint and steel useless. The new armaments made the old armaments useless. Some new improvements might arise in another two years; therefore, it was impossible to exaggerate the mischief of keeping an enormous amount of stores, and that would be the case as long as the Treasury abstained from interfering; and it was important that the control of the Committee should be most strict and vigilant in every individual case. He ventured to say this the more strongly, because, although it had been constantly repeated in the reports of the Committee, it had been constantly disregarded. He hoped that his noble Friend, as the watchman of the public expenditure, would take care that this control was not hereafter neglected. There were enormous difficulties in establishing this control, not so much at home, but in the colonies; and one of the most important points to which they could turn their attention was the question of colonial expenditure. The hon. Member for Montrose said, that the Colonial Office was always anxious to keep the colonies in leading strings. This was an expenditure which the colonies were very willing the mother country should advance for them; but what he wanted was, that they should take care of the desire of the colonies to get out of leading strings, and tell them that the only way of getting out of that control was to take on themselves the manly course of defending themselves. That was the bargain they should make with any of their colonies. If they meant to maintain establishments in the colonies, it was difficult to maintain them and keep them down. They could only apply to the storekeepers themselves, who were interested in keeping up these stores. It was natural, these gentlemen might very reasonably say, that nothing was so essential as to keep up the amount of stores in the colonies. In Canada, they could make out a capital case—they could say that there might be a border warfare in Canada—that they were responsible for the stores being in hand and ready for use. Look at the case which occurred in 1846. There was alarm about the Oregon mountains. Immediately they set to work to multiply stores, and the fortifications were undertaken. The Ministry changed, and although at the expiration of the Ministry, the very last words which the right hon. Gentleman the Member for Tamworth uttered were, "The Oregon question is at an end," the fortifications were not yet at an end, and the expenses were not at an end. If the noble Lord was not prepared to go the length of throwing on the colonies the expenses of their own defences, he hoped he would go the length of making them pay the expense of maintaining troops and barracks. The establishment of barracks ought to be maintained by the colonies themselves in all instances, where the colonies could be fairly called colonies. By some such proceeding as this, the noble Lord might fairly ascertain what stores could be reduced in the colonies. In many cases Government might, with considerable advantage, send out a local commission, limited in point of time and expense, but desired to report on the necessity of maintaining these establishments, and the enormous amount of stores. It was not to be expected that they could get such invaluable gentlemen to do this as had given their evidence before the Committee, but they might get persons independent of official control. He doubted whether it could otherwise be done in the colonies, because Government had only the means of obtaining the expenses from the storekeepers themselves. He was speaking entirely of the approaching Session, because he still entertained an opinion, that upon the present report it would be impossible for the Government to proceed. The general opinion of the noble Chairman and of most of the members of the Committee was, that they should not proceed this Session. He hoped that by that time Government themselves would have considered these questions.

Lord J. RUSSELL conceived that his right hon. Friend had misunderstood what had fallen from him. He had given no opinion as to the present expenditure, but his remarks applied to the general doctrine which the hon. Member for Montrose seemed to adopt, namely, because this was a time of peace they should make no preparation for a time of war. The question of stores was too large for him then to go into, and he should reserve the expression of opinion on it until he had examined well the subject. He certainly had never meant to say that the present amount of stores could not be reduced.

Mr. HUME said, that what he complained of was, that they should have large establishments from which they derived no benefit. If the noble Lord was a merchant of the city of London, and found one watchman capable of keeping his warehouse from being robbed, he (Mr. Hume) would accuse him of extravagance, if he found that in the following year he had added two or three watchmen more. Every Committee which had sat in the House, from Lord Castlereagh's in 1816, 1817, and 1819, to the Committees in 1825 and

1828, had recommended that they should have, during peace, the lowest possible establishments, in order that they might husband their resources, and be prepared, if necessary, for war; instead of which they were now going to the utmost of their tether, the Chancellor of the Exchequer not having any surplus.

Mr. COBDEN said, that his experience, as a man of business, and from what he had seen of the evidence before the Committee, was, that Government was under a great delusion as to the way in which they carried on the manufacturing establishments in every branch of the service. They had no notion of what things cost when they manufactured themselves; the mode in which the parties having the superintendence made their report, was utterly fallacious, not worth one farthing. Take the case of powder. Gentlemen brought in a very detailed account before the Committee, to show that powder could be made at something less than it could be bought from a private dealer. He took the opportunity of questioning these gentlemen as to the mode in which they ascertained the cost of this powder. He found that nothing was put down for the cost of the plant; nothing was put down for the interest of houses or cottages connected with the plant; nothing was put down for the interest of the money embarked in the floating stock. There were 100,000 lbs. of saltpetre and brimstone—no account was taken of the interest of the money so invested. He thought the parties themselves were very well satisfied before they left the Committee that their calculations were fallacious; but he was strongly of opinion that there was nothing that could not be procured from private enterprise at a cheaper rate than Government could manufacture it. He could make no exception of gunpowder. It was said that it was necessary to have a manufactory to check the private manufacturer. He apprehended that that might be done by a laboratory. He maintained that you might have any thing by private enterprise, as good and as cheap as Government could manufacture it. There was another manufacture which you carried on; that of the brass ordnance. You said that you could not get brass ordnance that you could rely upon. He thought it was a great stigma on the character of brassfounders if such were the fact; but he doubted it. He believed that there was nothing which you could not have, if you gave a contract price for it, and subjected it to competition; and he would recommend Government, in all cases, to endeavour, as much as possible, to cease to be manufacturers. On the Ordnance inquiry, he was astonished at the loose way in which this was carried on, and at the enormous expense of establishments for superintendents, they not having, frequently, the slightest knowledge of the work they were superintending. We were told that the Government were going to assist railways in taking stock. Before they did that, he recommended them to amend the mode of taking stock in their own establishments. One word as to the stores on hand; he would not dwell upon it, because the right hon. Member for Northampton had anticipated him in what he had to say. The number of the Ordnance establishments in England was thirty-five. That number was fixed before the present means of rapid communication existed, which now enabled us to carry anything to any part of the kingdom in fourteen or fifteen hours; and it was the unanimous opinion of the Committee that great saving might be effected by diminishing the number of the Ordnance establishments; by doing what private dealers and merchants were doing—diminishing the quantity of stock, in consequence of the facility of recruiting stock, and also diminishing the number of stores where they kept stocks in consequence of the facility of getting stock from the central depôt. With the electric telegraph and railways they might order any quantity of stock they liked from Woolwich or the Tower, and might get it to any part of Scotland in fifteen hours; and he did think, that to keep up storekeeper, deputy-storekeepers, and all that class of gentry, was unnecessary. This vote embraced all establishments in the colonies, and he concurred in the remarks which had been made by the right hon. Member for Northampton that that was a department to be looked into, if hon. Members who asked for a reduction in the expenditure were desirous to effect their object. It could only be done by going to that branch of the public service which the hon. Baronet the Member for Southwark had lately brought under the consideration of the House—he alluded to the question of the colonies, and how they were to be governed. They were spending an enormous amount of money not only in their colonies, but also in their military establishments. Take Gibraltar—Gibraltar might be in the estimation of most people a very important military station, but every body would admit that the price paid for Gibraltar was too much. During the last twenty years we had expended an enormous sum in adding to the fortifications. Although they might not be military men, they would all agree, as civilians, that there was a point beyond which it was not worth going. Let him not be told that he wanted to dismantle Gibraltar—he was merely desirous to diminish the immense amount of expenditure. There was Hong-Kong; during the last four years we had spent on that pestiferous rock 123,000*l*. This reminded him of a passage in the writings of the late Sydney Smith, which, although written twenty years ago, seemed to be written on the present Government. He said—

> "The world never yet saw so extravagant a Government as the Government of England. Not only is economy not practised but it is despised; and the idea of it connected with disaffection, Jacobinism, and Joseph Hume. Every rock on the ocean where a cormorant can perch is occupied by our troops—has a governor, deputy-governor, storekeeper, and deputy-storekeeper, and will soon have an archdeacon and a bishop. Military colleges, with thirty-four professors, educating seventeen ensigns per annum, being half an ensign for each professor, with every species of nonsense, athletic, sartorial, and plumigerous. A just and necessary war costs this country about one hundred pounds a minute; whipcord, fifteen thousand pounds; red tape, seven thousand pounds; lace for drummers and fifers nineteen thousand pounds; a pension to one man who has broken his head at the pole: to another who has shattered his leg at the equator; subsidies to Persia; secret service money to Thibet; an annuity to Lady Henry somebody and her seven daughters, the husband being shot at some place where we never ought to have had any soldiers at all; and the elder brother returning four Members to Parliament—such a scene of extravagance, corruption, and expense, as must paralyse the industry and mar the fortunes of the most industrious spirited people that ever existed."

He thought that applied with more force at the present moment, for we seemed to be seized with a mania that there could not be a barren rock on the earth's surface where it was not to our profit and advantage to go and plant, first of all, a body of forces, and then all the concomitant expenses of ordnance storekeepers. He need only point to Labuan. Last year the Secretary of State, before there was an inhabitant, took up his pen and brought before the House an establishment of 1,000 or 1,200 persons, consisting of postmaster, police officers, deputy-governor, and all the paraphernalia of a settled and civilised dominion. With regard to the stores, he wished to point out one or two examples, which hon. Gentlemen would at once understand, and which confirmed the remarks made by the right hon. Gentleman the Member for Northampton. To show the immense amount of stores we kept on hand, hon. Gentlemen would by-and-by receive an appendix to the report, with the evidence, and statistics, and details. We had in hand 142,000 pikes; we delivered out for use, 3,000. So that we had in hand a consumption of forty-seven years of pikes. We had 170,000 havresacks in store, perishable articles; we delivered out annually 7,000, and had twenty-four years' supply of havresacks. There were 24,000 kettles; we consumed 3,000 kettles a year, so that we had eight years' consumption of kettles. We had 1,200,000 sand bags in store, and delivered out 35,000, and had thirty-four years' supply of sand bags. These were all perishable stores. The right hon. Gentleman the Member for Northampton had stated to the House one of the evils arising from keeping this immense amount of stores, namely, that changes took place in the construction of arms, and that all the stock in hand would become obsolete. He would give an illustration of that. In the year 1835 we had 238 percussion muskets in store. We began in 1835 to adopt percussion muskets, but we had in store 448,000 flint muskets. The 448,000 flint muskets became superseded by the percussion muskets. It would not have been advisable to have had a flint musket in store at all, and notwithstanding we had been going on gradually adopting percussion muskets, still he found that we had now in store 165,000 flint muskets, and he believed 200,000 were burnt in the Tower. That was not all. We had from 30,000,000 to 40,000,000 of flint cartridges made up. We had 30,000,000 of flint cartridges now in store. These were not adapted for percussion muskets. This showed the absurdity of keeping up such an enormous amount of stores. Take the article of cannon. When we adopted the change of our armament, we found that the French began to adopt 32-pounders as the only calibre of guns to be used. Instantly your carronades and all your guns of small calibre were superseded. They had it in evidence that 20,000 cannons became useless by the adoption of this heavier armament. He was speaking of actual facts and statistics which they would all have before them. It required no skill in military knowledge to be able to deal with these facts; it only showed the worse than uselessness of keeping such large stores in hand. No private individual would do it. As the right hon. Gentleman the Member for Northampton had said, constant discoveries were making. We had not arrived at the end of discoveries. He saw, from the newspapers, that in Prussia they had adopted a musket with a long range—500 yards—and he saw that experiments were being made at Chatham on that subject. If they should be adopted, all the store of muskets would be useless. Why did they keep such stores in this country with such mighty resources? There was nothing that you could not get in this country to almost any extent in two years; if you paid the price, you might get it in a very few months. It was hardly possible to conceive the amount of armament which might be got by private enterprise, if the Government only gave such a price as would divert the industry of the country into that channel; and was it not far more desirable that you should have to pay, when the time came, a little more for your stores, than that you should go on wasting the capital of this country by making what was not wanted? It was stated before the Committee by one of the witnesses, that if you chose to give him a small additional price, you might get 4,000 32-pounders in one week. It was clear that you might get 20,000 or 30,000 barrels of gunpowder in another, if you chose to pay a little extra price. What was the effect of keeping this enormous amount of stores? Last year the Chancellor of the Exchequer disposed of old stores to the amount of 480,000*l.* He did not say it was the Ordnance; and this year he had taken credit in the budget for a sum that amounted to 1,960,000*l.* He asked the House how much did that cost? He had no doubt that these stores cost 3,000,000*l.* at least. It was to prevent the necessity of these transactions that he wished Government to direct their attention to the necessity of keeping a much smaller stock of stores; and as to a remark of the right hon. Member for Northampton as to the course which Earl Grey was disposed to take on the colonies, he thought that when they found a Minister disposed to go in the right direction, they ought to encourage him in that course; and it would be found that Earl Grey had stated in his evidence his determination to begin with the Australian colonies; he had given notice to the Australian colonies—that was to say, to South Australia, New South Wales, and Melbourne—that after the beginning of the next financial year, they must be prepared to take on themselves the barracks and ordnance stores, and supply the troops with stores in future. He thought that was a very good principle to begin with; but he thought the noble Lord might be encouraged to carry out that principle further. He thought it ought to be applied to Canada above all. There was a colony to which they had given independence to all practical purposes. What had they done? They had told the Canadians that they should regulate their own affairs; they had given them the power over their waste lands. The Government of Canada had the absolute control of the waste lands. They could put a tax on the emigrants from this country, as they did last year, to three times the amount of the emigrant tax paid at New York; and they positively had put on a prohibitory tax against English and Irish emigrants. One of the Ministers of Canada was now in this country negotiating a loan. They did not come to Parliament to ask for its authority. There was Canada in the market, negotiating on her own resources—on her own responsibility, without consulting England. No other part of this empire could raise one farthing without coming to this House for power to do so. Did he complain of this? No; he said that the only way in which you could keep the connexion which alone was useful between England and the colony, was to give to a community like that of Canada, with a population of 1,500,000 of people, the fullest amount of local self-government; but when he said that, whilst he was for the most perfect freedom ungrudgingly on the one hand, he said to them on the other, "You will allow us to act as in the case of an individual; when a young man rises to manhood, and sets up for himself, he can no longer expect that his aged parent should pay his expenses." Therefore, when he gave these helps, he asked it of the men of Canada, as men of spirit and honour, to except us from any further charge of their establishments. They were willing to do it, but they would not do it in our way. They were not willing to take our ordnance stores and undertake to keep them in the way in which we had kept them. He was speaking the other day to an eminent public man of Canada, and said, "Would you be prepared to take charge of the ordnance stores in Canada? There are 650,000*l.* of ordnance stores in Canada, kept up in half a dozen places for masters, and storekeepers, clerks, and the rest: would you be disposed to take these stores as at present, and keep them up?" He laughed in his face, and said, "Do you think we are going to keep up these stores in the way you keep them up? Two-thirds have been jobbing and waste." Then he spoke about the army, and said that if they kept an army, it would not be on the extravagant footing of England. They must be prepared to defend themselves, to keep up their military force for their own internal peace, and they must not expect us to pay a farthing. He laid that down as a principle which he was quite sure the country would be prepared to arrive at. He did not ask Earl Grey to say that he was going to do that; he only advocated it as a principle, that not one farthing of expense must ultimately be incurred for the military establishments of Canada. We had 8,000 troops in North America, where there were less than 2,000,000 of people. The United States had 9,000 troops with 20,000,000 of people, with a frontier of Indians whom the troops had to control. We had 650,000*l.* of ordnance stores. The American Government, if they kept up a similar proportion for 20,000,000 of inhabitants, would keep up something like 8,000,000*l.* worth of stores; and he did not believe that the United States had a greater amount of stores in all their territories than we had in Canada. He felt quite sure that the country would expect (for they were only on the eve of this discussion) that before the next meeting of Parliament Government would be prepared to take steps to reduce the expenditure, and it could be mainly done in remodelling the armament. It does not do for the noble Lord to say, "Do not act as a private individual who would discharge the watchman who had prevented him from being attacked." What was complained of was this, that whilst the Government have been telling us, every year, that we were on the most friendly terms with foreigners, we have doubled the expenses of the Ordnance since 1835; we voted double the amount last year that was voted in 1835; and, therefore, it is like the case of a merchant who after fifteen years doubled the number of his watchmen: it is not a question whether we are going to discharge the watchman. The noble Lord says that we have diminished the nominal rate of taxation to the amount of thirty-nine millions. He forgets that it was done by shifting the taxation, so that the old taxes have become much more productive. The question is not how we have shifted the taxation, but how much we have expended, and how much do we collect from the people. He must tell the noble Lord, as he told him before, that we were now collecting five millions more taxes than we did when the Duke of Wellington was Prime Minister, before the passing of the Reform Bill. He admitted the advantage of shifting the taxation. He concurred that by this scientific arrangement of taxation, which was created by Mr. Huskisson, the people of this country bear a larger amount of taxation than the people of any other country, and he attributed this to the scientific efforts made by those statesmen who shifted and changed the taxation of the country; but the burden remained; and the people wish to diminish the burden, and he could see no reason why, before the next meeting of Parliament, the country should not expect a large reduction.

Lord J. RUSSELL, without complaining of the manner in which the hon. Gentleman had made his remarks, could not allow them to pass entirely without comment, because the question raised by the hon. Gentleman was not one which concerned the present Government, or any other Government in particular, but was a very important question as relating to the position of this empire. The hon. Gentleman began by saying that the inquiry before the Ordnance Committee had confirmed his anticipation, that for the Government to undertake the manufacture of any particular article was a very wasteful and extravagant course, and that it would be far better to go to private dealers for any stores which might be required. Upon this point, he quite admitted that the general rule should be contract with the private dealer, and that the *onus probandi* was on the Government, if they thought, that, with respect to any particular article, there would be a disadvantage in obtaining it from private dealers, and that it would be more convenient for the country to have a manufactory of its own. But, on the other hand, when the hon. Gentleman went on to say, with respect to some of these articles, which were essential for maintaining the defence of the country and its possessions in time of war, that there was no necessity to keep up stores of them because in two years the required quantity could be produced by a private manufacturer, or because in course of time the stores might be superseded by some other invention, he thought the argument was carried to an extreme. If, upon a war breaking out, such as occurred after the peace of Amiens, and if, upon this country being placed in hostility with such a nation as France, or any other powerful State, the Minister should say to Parliament that such an insult had been offered to this country, and such an aggression made upon it, that it was impossible to remain at peace, but that he was sorry that he should not be able to oppose the aggression in less than two years; he thought the country would hold the Minister as greatly to blame if the country could not be in a state of defence in less than that time. With respect to the colonies, he likewise agreed with the hon. Gentleman in the general principle. The hon. Gentleman's principle was, with respect to the defence of our colonies, that great part of the expense of it, at all events, should be thrown on the colonies themselves. Earl Grey, on coming into his present office, adopted that principle as one which ought to be followed in future; and he (Lord J. Russell) should have no difficulty in concurring with the hon. Gentleman in that respect; for when he and the right hon. Member for Northampton were in the Colonial Office, there arrived an application for having the harbour of Sydney, in New South Wales put in a state of defence; and he said, as the right hon. Member for Northampton was aware, that with respect to the old defences there might be a difficulty in not proceeding with them, but with respect to Sydney the colonists should make those defences themselves. But he certainly might differ from the hon. Gentleman, if he were to push that principle, as he had others, to an extreme, applying it to a colony with respect to which this country had been accustomed to undertake the defences, and where we had fortifications, as at Quebec. If we were on a sudden to say to the province of Canada, for instance, "We mean no longer to undertake those defences, and that the troops and force necessary to defend the citadel of Quebec must in future be furnished by the province," he feared that such a declaration would be considered as an abandonment of the connexion with that colony: and the colonists might say, "It is true that we have got a representative constitution, but still we reckon the province as part of the British empire; nevertheless, if we are to gain no advantage from the connexion, let us be totally independent of British connexion, and decide with what other country we shall be connected." He thought true wisdom consisted in steering between these extremes. He could not defend any unnecessary or wasteful expenditure, having too great an amount of stores, or making large and new fortifications in Canada; but, on the other hand, he thought that the course hitherto pursued should not be at once abandoned, and they should not give the colonies reason to believe that, if attacked, this country would not defend them. It should not, then, be expected that the Government were going in the next Session to adopt such a principle as might tend to cut short the connexion between the colonies and the mother country. There were large and important questions connected with the colonies, which the Government and the Parliament were bound to consider. The adoption of principles which put an end to colonial protection and monopoly—the adoption of various other measures, giving the colonies greater freedom and constitutional representation—all these had led to a new construction of the connexion between them and the mother country; and he believed that, if that transition were conducted with prudence, if nothing were abruptly done, and if it were shown, at the same time, that those new measures would be an advantage to the colonies and to the mother country, the connexion might be more firm and more strongly based than hitherto on the interests of both. In connexion with these subjects, he should be afraid of undertaking anything which might lead to the belief in the colonies that this country no longer cared about its colonial empire, and was utterly indifferent as to the nature of the connexion existing between it and its dependencies. The hon. Gentleman had been rather unfair in one remark in reference to the Colonial Secretary. The hon. Gentleman said that the Colonial Secretary took up his pen and created an establishment for a colony, without considering the consequences in the shape of annual charge to the country. With respect to one particular colony, the charge against his noble Friend at the head of the Colonial Department had been of an opposite nature. In reference to that island, his noble Friend said, "I am in favour of colonisation, but I will not undertake to bring forward any expensive estimates for governor, storekeepers, and other officers;" and his noble Friend had been more attacked for that than any other conduct. Equally unjust was it to represent that either his noble Friend or the Government wished to keep the colonies in leading strings; for all they wanted to do was to give them greater freedom and representative institutions. The whole question connected with the colonies would be maturely considered by the Government; and he hoped that the House, next year, would consider it with the view, on the one hand, of placing on this country no unnecessary expenditure; and, on the other, of endeavouring fairly, and with good will towards the colonies, to maintain the connexion, which was honourable both to them and to the mother country, and which, in his belief, tended not only to promote the greatness of this empire, but the cause of civilisation.

Mr. COBDEN trusted that the noble Lord did not imagine that he, as a man of business, could have contended that no stock of stores was necessary. All he had argued against was the excess, and yet the noble Lord had spoken as if he (Mr. Cobden) had argued against stores altogether. With regard to Earl Grey, he quite agreed with the First Lord of the Treasury, that in the case of Vancouver's Island, Earl Grey was anxious to save the public money; and, therefore, he (Mr. Cobden) had never joined in the attacks against his Lordship, although not perhaps thinking that the Hudson's Bay Company were the best governors that could have been selected. He might say generally that he had a high admiration, not only for the talents, but for the noble principles of Earl Grey. He had a high opinion of his Lordship's intelligence and understanding, and he looked to him for great and beneficial changes in our colonial system.

Mr. ELLICE said, that as regarded the colonies, they could not introduce new principles at once, but that such things must be done by degrees, and by a gradual preparation for the changes. He had merely risen, however, to say a word as to the question of ordnance stores, to which he had already called the attention of the Committee which had been sitting upon these estimates. He was persuaded that till the Government should have devised some plan for placing the whole of the civil expenditure for the military defences of the country under one directing head, would they continue to hear the same complaints on these subjects which still reached them. They had still the same accumulation there had ever been of military stores, under whose responsibility they scarcely knew; and the only remedy was to be found in the appointment of one directing head for the whole. He earnestly hoped that the attention of his noble Friend would be directed to this subject.

Mr. HUME said, that although the discussion had commenced and proceeded under the impression that they were at Vote No. 6, it seemed that they were really only at No. 4. Now, he wished to say a word on the subject of barracks, which was an item in that vote. The House was not aware of the large sums set aside for barracks. Very few of the recommendations made by the Committee that had sat upon the subject in 1828, had been attended to. The actual vote was more for the present year than ever it had been before. For the year 1835–36, it was 85,000*l.* for England, Ireland, and the colonies; for 1839–40, it was 89,000*l.*; for 1845–46, it was 160,000*l.*; and now, for 1849–50, it was 163,000*l.*, exactly double of what it was for 1835–36. But did the House know that 700,000*l.* had been expended for new barracks since the period when the Committee had recommeaded a reduction under the entire head? In the town of Bolton alone, 137,000*l.* had been expended upon the erection of a single barrack. So long as they kept up their present extravagant number of troops with officers on full and half-pay exceeding all reason, and a staff at head-quarters beyond all precedent, those expenses would continue. The expense of staff officers at head-quarters at the conclusion of the former peace was just 2,500*l.*; it now exceeded 38,000*l.* He had been charged with complaining of the number of artillery force as compared with the other troops; but it was not so. On the contrary, he thought there should be a large proportion of artillery kept up, and that the reductions should be made in the other forces; because they could not get up artillerymen in less than eighteen months, whilst they could drill and train troops of the line in a few weeks, and they ought to diminish the amount of other ordinary forces in order to keep up the scientific branch. He did not blame the present Government; he thought they were doing all they could. But it appeared to him that there was room for great economy. Having now called attention to the points upon which he was desirous that attention should be fixed, he had nothing further to add that would delay the votes being taken.

COLONEL ANSON begged to be allowed to offer a few observations, as he really felt that, from the position he held in the House, it was necessary for him to do so. Everything that had been said by his noble Friend at the head of the Government with regard to the colonies and our establishments abroad, seemed to be satisfactory to the House. And by the next time that the Prime Minister met the Parliament some important steps would be found to have been taken towards altering the system upon which the colonies were managed. He (Colonel Anson) now wished to reply to those observations which related to the department with which he was connected, and he trusted that what he had to say would be found equally satisfactory with the speech of his noble Friend. In the first instance, the hon. Gentleman the Member for Montrose seemed to have misunderstood him the other night, and to have supposed that he suggested incorrectness in the hon. Gentleman's statements. Nothing could have been farther from his intention. On the contrary, he knew that, from the hon. Gentleman's habit of attending to minute details, there was usually greater correctness to be found in his statements than in those of many other hon. Members. He meant merely to say that the hon. Gentleman had not his books before him, and he had therefore led the House to think that there was a greater amount of expenditure in the present than in any former year; that there was in the Ordnance department an advance of 1,800,000*l.* or thereabouts. Now the fact was, that there was a difference of 1,150,000*l.* between the estimate of expenditure in the present year, and that for the year 1835–6, and he wished to tell the hon. Gentleman and the House from what causes that increase had taken place. His (Colonel Anson's) was merely an executive department, and there had been imposed upon it the charge of additional services since 1835—services with which it was at that period unconnected—to the amount of 300,000*l.* a year. That reduced the actual difference in the expenditure to 800,000*l.* But that actual increase arose from the increase of our forces—[Mr. HUME: Hear, hear!]—and if the hon. Gentleman objected to the increase, let him take the opinion of the House upon the question of reducing the Army. The increase in the simple pay of the artillery was 250,000*l.* Next came the vote for barrack supplies, which showed an increase of 80,000*l.* But if the number of troops were considered, it would be found that the proportionate cost was not greater per head than it was in 1835. The charge at home was actually 3,800*l.* less than it was in 1835; but there was a large increase abroad, because several new colonies had been acquired since that period. The whole amount of the increase was 12,800*l.* on the establishments—taking colonies and home together. The hon. Gentleman had compared the amount in 1835–6 (85,000*l.*) with the present estimate of 163,000*l.*, and had complained of its being just doubled, It certainly appeared to be a great increase; but the hon. Gentleman did not tell them that which had come out in the evidence, and which was only another proof of how necessary it would have been, for the proper consideration of the question, that the evidence should have accompanied the report, namely, that there was an item under Vote 4, of 46,000*l.* which the Ordnance was desired by the Treasury in 1843 to pay, and which was not charged under the same head in 1835. Far from being extravagant, they had been told over and over again, that the troops had not sufficient barrack accommodation ["Hear, hear!"] Whether the explanation was satisfactory or not, it was for the House to decide; but it was very important that the country should know that those increases which were represented to have taken place had really not taken place, and that statements, containing merely great apparent contrasts of figures, should not go abroad without an explanation being given of them. In 1847 he expressed his regret, when moving the estimates, at being obliged to ask the House for an increase upon the estimate under the head of stores for 1844–5. At that period there was a good deal of excitement, and he was taunted with having thought it necessary to offer such an apology. The press, which had the most powerful influence in the country, and which wielded the most important power, if well directed, had taunted him with having apologised for so small an increase at that period. The Government might have increased the estimates largely then; but they forbore doing so, and the House was contented to follow the course that had been laid down by the previous Government. The subject of the Vote No. 6 had been introduced into the present discussion, and some remarks had been made upon it by the hon. Member for Montrose, which, with the permission of the House, he would answer. The hon. Gentleman had spoken about the powder that was thrown away in giving foolish salutes. No doubt some part of it might be saved, and it was not the wish of the Government to expend powder uselessly. But there was a great deal of exaggeration about the cost of what was thus wasted. The hon. Gentleman stated that the review which was to take place at Chatham on Saturday would cost 20,000*l.* He (Colonel Anson) did not think it would cost 20,000 pence. It would cost only the powder that would be expended. There was no removal of troops or other costly proceeding to take place connected with it. Then, again, he had complained that shells now cost 11*s.* each, whereas they formerly cost only 4*s.* 6*d.* Well, that was true. But then the modern shells were much more formidable, and far more effective than those that were used in former days. Again, the hon. Gentleman complained of there being stores to the enormous amount of 6,000,000*l.*, and upwards in value. He (Colonel Anson) agreed with him that that was a very large amount; but the annual charge on account of those stores was only 323,000*l.*, and there was an item that was entirely new; which the hon. Gentleman had not noticed, 120,000*l.* for small arms, whilst in 1835 the charge was only 5,000*l.*, because they had then a larger stock of flint muskets and other arms, which modern improvements had rendered valueless. There was also an item of 145,000*l.* for stores for stations abroad, out of which there was to be deducted 31,000*l.* for gunpowder.

Sir J. GRAHAM: You have not come to that vote. You had better reserve your observations until you come to it in regular course.

Colonel ANSON wished only to explain, as the vote had been already alluded to, and he promised that he would not go into the subject again when the vote came on, if he were then suffered to proceed. Well, then, besides the 31,000*l.* for gunpowder out of this 145,000*l.*, there were 16,000*l.* for materials in the carriage department, and 32,000*l.* for the storekeeper's department at Woolwich. Then there should be at least 40,000*l.* referred to the manufacturing department. And, with regard to the observations made upon Government manufacturing by the hon. Member for the West Riding, he should say that no men could be found more able and more zealous than the officers who presided over the manufacturing departments. However, he was not there as an advocate for keeping up a large amount of stores. He was perfectly ready to abide by the decision of the Government as to any reduction that was to take place. With regard to the old light pieces of ordnance, he should observe that 12,000 or 15,000 old guns could not be got rid of at a moment's notice. He did not believe that they could get above 2*l.* a ton for them as old iron. He could promise, however, that during the recess the Government would take the whole of the recommendations contained in their report into their serious consideration, and he trusted that the House would be satisfied next Session with the decision to which they would come upon them.

Vote agreed to.

A sum of 71,330*l.* was next voted, to complete the sum required for wages of artificers and labourers.

On the question that a sum not exceeding 163,418*l.* be granted to Her Majesty, to complete the sum required for Ordnance stores for land and sea service,

Mr. HUME wished to know whether so large a sum as 145,000*l.* for Ordnance stores, and 120,000*l.* for small arms, was absolutely necessary?

Colonel ANSON thought that the supply of small arms was absolutely necessary, as they had but a small surplus of percussion guns over what they wanted. He hoped, however, that next year they would be able to dispense with the item. As to the 145,000*l.*, he thought they would be able to effect some reduction.

Sir J. GRAHAM would not go into any general discussion, but would, in the two or three remaks he had to make, confine himself strictly to the vote before the Committee. He had on a former occasion expressed a decided opinion, that the consideration of the report of the Committee, together with the evidence, would require, from the number and multiplicity of its details, considerable time and attention on the part of the Government, and on that subject he had nothing to add; but he would for one moment invite the attention of the Chancellor of the Exchequer, who was thoroughly conversant with the affairs of the Admiralty, and all its details, to the present mode of keeping the accounts. The hon. Member for Montrose, and the other Members of the Committee, would agree with him in saying that with respect to the cash accounts of the three great departments of the Army, Navy, and Ordnance, they were most satisfactory. On the other hand, they had distinct evidence before them, to which there was specific reference in the report, that both in the Navy and Ordnance, the state of the store account was most unsatisfactory. The auditors concurred in stating that the store account of the Navy and Ordnance was, from the mode in which it was kept, in a most imperfect state; and it might be said, indeed, that it amounted to a misappropriation of the sums voted by Parliament, and was open to serious abuse. The Committee agreed in recommending immediate attention to this matter; and, considering the magnitude of the stores now possessed by the country, amounting in value to several millions—considering, also, the large sums annually voted for replenishing those stores, he thought that when they met next Session it would not be unreasonable to expect that an effort should be made by Government to place this account in a satisfactory state. No one was better fitted than the Chancellor of the Exchequer to give the directions that were necessary for this object, and he hoped that his attention would be directed to the subject. Before he (Sir J. Graham) left the Admiralty, he contemplated the extension of the principle that was acted on in the other departments to the store account; but, though fifteen years had elapsed since that time, no improvement had taken place, and he trusted that the right hon. Gentleman would now endeavour to effect an alteration so exceedingly desirable.

The CHANCELLOR OF THE EXCHEQUER concurred with his right hon. Friend in thinking that this was a subject worthy of the closest attention. It was admitted that the cash accounts of the three great departments were in as perfect a state as could be conceived; but it was equally true that the store account of the Ordnance and Navy was in a very unsatisfactory state. He would earnestly address himself to this subject, and would endeavour to have the store accounts put in a proper state before the next meeting of Parliament. At all events, if he should not by that time have entirely succeeded, he hoped to be able to give a satisfactory account of the progress he had made.

MR. J. B. SMITH thought, if a war broke out, they would find a large portion of the stores they already had, and were proposing to lay in, utterly useless. They had already 160,000 flint guns on hand, and they were now proposing to purchase an additional stock of percussion guns, notwithstanding that experiments were being tried on a new invention, by which five bullets, one after another, could be shot off by one charge. He considered, therefore, the old and new stock would be rendered by next year utterly useless.

Vote agreed to.

A vote of 236,536*l.* for works, buildings, and repairs, at home and abroad, having been proposed,

COLONEL ANSON said, the hon. Baronet the Member for Southwark had given notice of his intention to move that reductions be made in the votes for Bermuda, the Ionian Islands, and the Mauritius. He said he had deducted one-half of the amount originally intended for these services, and hoped that diminution might be satisfactory to him. He said the outlay already contracted for the works was necessarily considerable; and a vote as large as he now proposed would be required to meet it; but it would be competent for the hon. Baronet, or any other Member of the House to move next Session for an account of all sums expended on these works. The Government, in the meantime, would immediately send out orders to stop all further expenditure.

SIR W. MOLESWORTH said: After what has been stated by the hon. and gallant Officer, I will not make the Motion of which I gave notice, but still I feel called on to make some observations upon this notice. The Motion I gave notice for was that this vote be reduced by the sum of 19,154*l.*, which it is proposed to spend on Ordnance stores at Bermuda, the Mauritius, and the Ionion Islands. From 1828 to 1847-8 inclusive, we have spent 183,146*l.* on Ordnance stores at Bermuda. Last year we commenced certain new works at Bermuda, which were estimated to cost 60,892*l.*, and we voted 6,213*l.* on account of them; this year the vote proposed is for 4,948*l.*; if it be agreed to, 49,731*l.* would be required to complete the works in progress; besides these works there are others in contemplation, which, according to a rough estimate, will cost 50,000*l.* I propose that this vote for Bermuda shall be suspended, for the reasons stated in the extract from the report of the

Ordnance Committee, which I will now read:—

> "Earl Grey stated to your Committee that he considered Bermuda a most important station for the protection of our trade, and for the defence of our West Indian possessions. He is, however, of opinion that no new works should be commenced at Bermuda, because he has been informed that Lord Dundonald, the admiral on the station, and Captain Elliot, the Governor, recommend an alteration in the system of defence. The plan sanctioned in the year 1824 is said to be insufficient at the present time, and it is suggested that a flotilla of steamers would afford the most effective means of defence;" and the Committee "recommend that before another vote is asked, the Government should reconsider the necessity of this expenditure, and the plan to be adopted."

In the Mauritius 203,949*l.* have been expended on Ordnance works from 1828 to 1847-8. The year before last we commenced certain fortifications for the defence of Port Louis, which were estimated to cost 149,291*l.* This estimate has been revised, and now amounts to 158,835*l.*, to which must be added an additional sum of 58,000*l.* which will be required to complete the sea defences; making in all 216,835*l.* for sea defences, exclusive of land defences. It is said that these works are very much wanted; for it is stated that the Mauritius is an important military station, and that in the last war before we took possession of it, seven millions worth of prizes were taken into it. It is also said, that without these fortifications it would be difficult, in the event of a war, to retain possession of the Mauritius; and if we were to lose possession of it, it would be difficult to regain possession of it—in both cases for the same reason, because the influential portion of the population are hostile to us. Hence the alleged necessity for sea and land defences. For the sea defences we have voted 10,000*l.* in the course of the last two years, and it is proposed to vote for them 5,000*l.* a year. As they are to cost 216,835*l.*, at least forty years will elapse before they can be completed. It was the general opinion of the Committee, if we could do without them for so long a period of time, we could do without them altogether. On the other hand, if they were really required, then their progress ought to be accelerated. Therefore the Ordnance Committee recommended—

> "That the policy of constructing these works and their proposed rate of progress should be reconsidered by the Executive Government."

Now, with regard to the Ionian Islands, they were placed under our protection in 1815. Earl Bathurst said they would be valuable to us for commercial purposes, and that they were to pay their expenses. The Marquess of Lansdowne, however, being a wiser and far-seeing statesman, said they would be burthensome, expensive, and of no use. The Marquess of Lansdowne was right; our export trade to them has not exceeded 120,000 a year on the average; and though we have compelled them to pay heavy contributions, they have cost us at least 130,000*l.* a year for troops, &c., or about four millions and a half since the Peace. Of that sum 456,000*l.* have been for Ordnance works. It is stated in our report that contributions towards the cost of more works have been paid by the Ionian States to the amount of 308,000*l.*, and hon. Gentlemen not well acquainted with the subject may imagine that those works have only cost this country 148,000*l.* Not so. My hon. Friend the Member for the West Riding was quite right in saying that we had paid the whole sum of 456,000*l.*; for if those works had not been constructed, 456,000*l.* ought to have been saved to the country; and the hon. and gallant Gentleman the Clerk of the Ordnance was wrong in contradicting him. To explain my position, and to show how important works have been commenced, and large sums expended upon them without the cognisance of Parliament, I beg the attention of the House for a moment to the history of our pecuniary relations with the Ionian States. Our relations with these States were settled by treaties made in 1815 with Austria, Russia, and Prussia. By the 5th and 6th Articles of those treaties, we agreed to enter into a convention with the Ionian States with regard to—

> "the maintenance of the fortressess already existing, as well as to the subsistence and payment of the British garrisons, and to the number of troops to be kept in time of peace."

The convention with the Ionian States was made in 1817. By chap. 7, sec. 2, art. 11 and 12, the regular force was fixed at 3,000 men, the number to be increased or diminished at our pleasure; and "all military expenses of every kind on account of 3,000 men was to be paid by the Ionian States." Therefore, we are not bound by treaty to keep any particular amount of troops in the Ionian Islands. We might withdraw all our troops to-morrow without violating any treaty; and the Ionian States would be delighted if we did so, provided we relieved them from their heavy military contributions. The Ionian States were bound to pay for 3,000 troops, but not in any way for building fortifications. It was impossible for them to fulfil their engagements. The maintenance and payment of 3,000 men would have cost a sum far exceeding the whole revenue of the islands, which in 1817 did not exceed 80,000*l.* a year. It was, therefore, arranged that the Ionian States should pay a certain military contribution, which in all would, I believe, have amounted to 35,000*l.* a year. This sum ought to have appeared annually in the Army Estimates as an appropriation in aid, and to have caused a corresponding diminution in those estimates. But in 1824 it was supposed that certain fortifications were wanted in the Ionian Islands. Now, we had no power under the convention to compel the Ionian States to build more fortifications, and the Government of the day ought to have applied to Parliament, in the Ordnance Estimates, for the money required; instead of doing so, an arrangement was made with the Ionian States that, in lieu of their military contributions, they should pay by annual instalments a certain sum of money for building fortifications. The sum was to be 172,000*l.*, the instalments 20,000*l.* a year. The nature of this transaction is self-evident: 20,000*l.* a year was virtually taken from the appropriations in aid of the Army, and transferred, without the cognisance of Parliament, to the Ordnance. The military expenditure of the country became 20,000*l.* a year more than it ought to have been; the Ordnance expenditure appeared 20,000*l.* a year less than it was. Important works were commenced without the sanction of Parliament, and the money was really voted for them in the Army Estimates. This transaction would have probably never been known but for two causes, which compelled the Ordnance at length, in 1839, to come to Parliament for a vote of money to complete the works. Those causes were: 1st. The Ionian States were unable to fulfil their pecuniary engagements to this country; 2nd, The cost of the works far exceeded the estimate. I am unable to state precisely how much the Ionian States are indebted to us. A return on this subject was ordered by the Chairman of the Ordnance Committee some months ago, but it has not been made. From a return presented to Parliament some time ago, it appears that, from the 1st November, 1834, to 31st January, 1842, they ought to have paid us for military contributions 253,750*l.*, or at the rate of 35,000*l.* a year; however, they only paid us 131,500*l.*, and were indebted to us 122,270*l.* Since then their debt has gone on increasing, I believe at least in the same proportion. I am informed that, since 1817, they have paid us 800,000*l.*; at the rate of 35,000*l.* a year; they ought to have paid us 1,100,000*l.*; therefore it is not improbable that they owe us at the present moment, 300,000*l.* on the whole account. In fact, if the hon. and gallant Gentleman the Clerk of the Ordnance, instead of saying on a former occasion that the Ionian States had paid 300,000*l.* for Ordnance works, had said that they owed us 300,000*l.*, he would have been nearer the truth. The cost of these works has far exceeded the original estimate, which in 1824 was only for 182,000*l.* That sum being expended, Colonel Maberly informed the Committee of 1834 on military expenditure that the works would be completed for 60,000*l.*, making in all 242,000*l.*: that money having likewise been expended, in 1839 the Ordnance came for the first time to Parliament for a vote, with an estimate of 100,500*l.* for the completion of those works. The last instalment of that money was voted last year, amounting to 12,873*l.* To show with how little care our Ordnance Estimates are frequently framed, I beg the House to observe that in the estimates of last year it was distinctly stated that nothing had ever before been voted for those works, nothing had ever been expended upon them, and that nothing more would be required for them; the fact being that in the course of the previous nine years we had voted 87,627*l.* for these works; that since their commencement at least 346,000*l.* had been expended upon them; and that, to complete them, about 96,000*l.* more would be required. So incorrect a statement was very likely to mislead hon. Members, especially inexperienced Members, who probably last year for the first time read through an Ordnance estimate, innocently believed the statements it contained, and fancied that 12,873*l.* was all that ever had been, or would be, required for fortifications at Corfu. The Ordnance Estimates of this year are as erroneous as those of last year. I think this ought not to have happened after the animadversions of the Navy Committee of last year on similar errors in the Navy Estimates. If the Committee will refer to page 53 of the Ordnance Estimates of this year, they will find again, under the three heads of "already voted," "already expended," and "required for completing works," at Corfu, the word *nil;* the proposed vote for this year being 9,206*l.* The question is whether we shall agree to this vote, the facts of the case being that in the course of the last ten years we have voted 100,500*l.* for them: since the commencement we have expended on them 346,000*l.* To complete them, Sir J. Burgoyne stated, that in addition to the vote of this year 37,000*l.* more would be required; and even then 50,000*l.* additional would be wanted to make Corfu a strong place. I will answer this question by reading a few sentences from the report of the Ordnance Committee, in which they state, that—

> "According to Earl Grey's views, these works should never have been undertaken; one of the great objections to the fortifications which have been constructed towards the sea, is, that they render other fortifications on the land side necessary also; otherwise it may be that we have only constructed fortifications against ourselves. If Corfu had been left undefended, it could never have been held against a great naval Power; but as it is, being fortified, it imposes upon us, in the event of a war, the inconvenient necessity of maintaining a large garrison there. The Inspector General of Fortifications has recommended a further outlay. The Secretary of State for the Colonies regrets the past outlay, and expresses doubts as to the policy of additional works. ~~In these~~ circumstances, your Committee recommend that no vote for these works should be taken until the subject has been considered by the Government."

In my opinion these works ought to be stopped altogether; they were commenced without the sanction of Parliament; for a long time they were really paid for out of moneys voted on the Army Estimates; they were to cost 182,000*l.*; they have cost 346,000*l.*; it is said they can be completed for 96,000*l.*; but no reliance can be placed either on past or present Ordnance Estimates. If, however, they could be completed at a total cost of 450,000*l.*, then they would be so extensive that it would be inexpedient in time of war to keep in them cannon sufficient to man them; therefore in such an event the wisest plan would be to blow up the fortifications, and to withdraw our troops, for as long as we retained the supremacy of the sea, we could always conquer them for a trifling expense, provided there be no fortifications to hurt us; and without the supremacy of the ocean, no nation could ever long retain those islands even with the best fortifications. These reasons have satisfied me that we ought to spend no more money on fortifications in the Ionian Islands, and I, for one, will never give my sanction to another vote for that purpose.

Colonel ANSON said, the hon. Baronet was labouring under a mistake, when he complained of the improper expenditure on account of the ordnance for the Mauritius. When that island was first taken possession of by this country, its fortifications were carried throughout its whole extent. Those works had since been contracted. That he considered to be a work of economy, for the more concentrated and strengthened the fortifications were, the less amount of ordnance was required. The hon. Baronet had said, that in its arrangements with the Ionian Islands the Government had robbed the Army, for the purpose of expending the money on the Ordnance. That was not the case; for the money which had been expended was to be repaid by the Ionian Islands to this country. But he had already said that this expenditure for the defences of these islands would be stopped. The statement in the estimates was not so correct as it ought to have been. It would induce a person to suppose that the money was required for new works, whereas it was not so.

Colonel THOMPSON said, he merely asked for information; but he had a professional curiosity to know what Corfu was for. He had heard it asserted from the opposite benches, that Corfu was to defend the entrance to the Gulf of Venice; but he had no notion how a fortress could defend a passage when it was out of sight. He recollected passing all the way to Venice, and he saw nothing of Corfu. In fact it was sixty miles from the opposite shore, and therefore defended nothing. It was all part of the superannuated notions on the effect of fortifications, which the experience of modern wars had entirely exploded.

Sir De LACY EVANS agreed in what had fallen from the hon. and gallant Gentleman, but he could not assent to all that had been said by the hon. Baronet the Member for Southwark. There could be little doubt that this country had taken these islands, and was fortifying them for her political purposes. At the same time, he thought that a few forts constructed to protect the town from the predatory attacks of neighbouring forces was all that was necessary, and that 450,000*l.* was more than was proper to have been voted. As to the Ionian Islands, he had heard with surprise that so large an amount as 800,000*l.* had been paid in liquidation of their debt to this country. He did not expect that it could have been so large, for those islands were very poor. Considering their condition, and that the inhabitants were not parties to the treaty which transferred them to us, it seemed to him rather hard to make them pay a contribution to this country of 25,000*l.* or 30,000*l.* a year. It was quite clear that England had taken them under her protection for her own political purposes; and it was rather hard to make them pay for that. He hoped that this country would forego the arrears of their debt. They were not very pressing with the greater Powers of Europe. He believed there were arrears due still from Austria. Yet with all these contributions levied upon them, we did not put them on an equality with the colonies as regarded import duties. [The CHANCELLOR of the EXCHEQUER: Yes, we do.] He was happy to hear it; but this he knew—that a new corn law had been re-enacted in Ionia, with the sanction of the present Government, in order to assist in paying this contribution.

MR. HUME pressed on the Government the necessity of establishing a representative government in these islands. He wished the House to observe that of all the votes that of the Ordnance required the greatest attention, and afforded the greatest scope for reduction; in no other department perhaps, except the Navy, had greater irregularities taken place. He apprehended that much of the money expended in those fortifications abroad was pure waste; whereas had it been expended at home it would have been of much use to this country. He certainly thought that every such expenditure should be first submitted to the Treasury, and through the Treasury to that House. He wished to know whether the expenditure for the Mauritius would be stopped. The first item was 5,000*l.*, and it involved all the rest. He objected to it until they had all the reports before them.

COLONEL ANSON said, there would be a further consideration of the question before they expended any money for the Mauritius.

MR. VERNON SMITH was of opinion that the country stood indebted to the hon. Baronet the Member for Southwark, for having brought forward this question, though his hon. Friend had exercised a very sound discretion in not pressing his Amendment to a division, the hon. and gallant Member for Staffordshire having promised that the question as to the continuance of these fortifications should be fully considered before the next Session of Parliament. But he wished to call the attention of the Committee to another point—namely, to the manner in which these emergent services were provided for. Under the head of "emergence" most of the expenses of the Caffre war took place—expenses of which no account had yet been given, nor did he believe could be given. It was stated in the report of the Ordnance Committee, that works under the head of "Emergent Services" were frequently paid for by the Ordnance, with money derived from the postponement of other works. This was a very objectionable system, as it afforded the means of incurring expenses which, if submitted to Parliament, would not have been sanctioned; all superintendence of Parliament was, therefore, by this system, rendered a mere farce. He admitted that the governors of colonies should have some discretionary power; but as the most extravagant expenditure had been incurred under this head, he hoped the Chancellor of the Exchequer would devise some means to check this abuse.

MR. W. MILES pointed out the manner in which the balance in the hands of the Treasury were created out of which these emergency charges were defrayed. Certain barracks were to be erected at Newcastle, the original estimate for which was 58,000*l.* This money was voted at different times in various small sums, until no less than 89,000*l.* were granted by Parliament on account of those barracks. Now, where did the balance between 58,000*l.* and 89,000*l.* go to? The money was paid over by the Ordnance to the Treasury, and then paid by the Treasury on account of those works of emergency.

SIR J. GRAHAM said, the attention of the House had been called to the evil, but not to the remedy suggested by the Committee. Until 1836 there were balances which it was in the power of the Government to appropriate; but under the improved mode of keeping the accounts, all the unexpended balances were paid into the Exchequer, a power being necessarily vested in the Treasury of meeting emergencies by a special order. While the Committee recommended that that power should be retained by the Treasury, they went on to call attention to the absolute necessity, where this power was exercised, of a statement being appended to the estimates of the ensuing year, giving an account of the exercise of that power by the Treasury, together with the reasons which had seemed to require it. The words at the end of the report were unfortunately misprinted. Instead of "works of which Parliament has cognisance," it should be, "has no cognisance." The Committee was most anxious that Parliament should have cognisance of such works; and they recommended that, in carrying out the present arrangement, in reference to works of which Parliament had no cognisance, a statement should be hereafter made with the estimates of the ensuing year, and that the signature of the Treasury should be annexed to that statement. If that were done in every case where unforeseen circumstances, in the opinion of the Treasury, justified the expenditure of money, and the consequent postponement of some work which had received Parliamentary sanction, the fact would be made known to Parliament, the reasons would be recorded, and Parliament would be able to call the Executive Government to account for the exercise of this discretionary power. In the estimates for the present year, three sums were charged apparently as estimates for future expenses, which really belonged to the past—those under the heads of Hong-Kong, Monte Video, and New Zealand. This was contrary to principle. The Committee pointed out the error, and recommended that all these cases should henceforth be met by a supplementary estimate. If these recommendations were adopted, every check that was really necessary would be obtained by Parliament; while, at the same time, a strict appropriation under the provisions of the Appropriation Act, would be observed; and in unforeseen emergencies the Executive Government would have that dispensing power which, with a view to the efficiency of the public service, they ought to possess.

The CHANCELLOR OF THE EXCHEQUER said, the three hon. Gentlemen who had preceded him had clearly and correctly stated the difficulty. It was one which did not apply to the Ordnance estimates only. The right hon. Member for Northampton said very truly that there were cases of emergency, but that that plea might be carried to a very improper extent. No doubt of it. Still no one could deny that there were cases of emergency, in which parties on the spot must take upon themselves to incur some expense. He might instance the invasion of the Cape of Good Hope by the Kafirs, or an attack on any of our colonies by a neighbouring Power. It was absurd to say that the governor of a colony, or the person responsible for the safety of Her Majesty's subjects, was not to take upon him to do that which was absolutely necessary for the defence of the colony at the time. He agreed that the cases of emergency ought to be confined to those of real and absolute necessity; but that such cases would sometimes inevitably occur, no man could deny. How, then, were they to be met? Heretofore, when balances were held over from one year to another, there was no difficulty whatever in paying off these unforeseen expenses. That system had very wisely, and as conducing more strictly to economy, been put at end to. No money was now ever kept over beyond the conclusion of the financial year. [Mr. HUME: Hear, hear.] Well, that was quite right. [Mr. HUME: Quite right.] But it did carry with it the inconvenience to which allusion had been made. If an unforeseen expenditure occurred, and must be defrayed, from what source could it be defrayed if no money was left in the shape of balances? There were only two modes of doing it; either to vote a sum for unforeseen contingencies, on the same principle as a sum was annually voted for civil contingencies, or to pursue the same course which was adopted at present—when application was made to the Treasury to sanction an expenditure for a certain purpose, after communication with the department, to say, let this emergency be paid for, and let some other work be put off. It was indispensably necessary that that power should be continued to the Treasury, unless the House was disposed to vote a sum for contingent expenses. All the advocates of strict economy were opposed to a vote for contingencies; and that being so, there was no alternative but to continue to the Treasury the discretion vested in them by the Appropriation Act. Of course, that discretion must be exercised with great care and attention, so as not to allow anything to be counted an emergency which in point of fact was not so; and an annual account of such expenditure ought to be given. That was the only mode in which a control could be exercised over the expenditure. So long as a certain sum was voted for a particular work, and was applied to another purpose, it would be necessary to vote a further sum for the original work; hence it might appear that a larger sum had been voted for it than was really the case, when in fact the original estimate had not been exceeded. In reference to the three items objected to by the right hon. Baronet who had last spoken, he would observe, that when the application was made to the Treasury for payment of those services, it did not appear, from the letter addressed to them, that the money had been paid, but that it was a service where it was required to be paid. Therefore, in order to bring it before the knowledge of Parliament, he had directed an item for those three services to be included in the estimates for this year, in order that Parliament might have a knowledge of what had been done. Subsequently he received a letter from the Board of Ordnance, resulting from what had taken place in the Committee; he then directed that the two items, for Hong-Kong and Monte Video, where the expenses had been paid, should be withdrawn from the estimates, and this had been done. The other item remained in the estimates, as it would be a repayment. But he entirely agreed in the principle that a past expenditure ought to be provided for either by a supplementary vote or a vote in excess.

SIR J. GRAHAM said, he entirely approved of the present mode of voting the estimates, and should be extremely sorry to return to the practice of voting either Army or Ordnance extraordinaries. Admitting that there must be extraordinary items, still if the present form of estimate was strictly adhered to and carried into effect, the House would be perfectly cognisant of all the facts. These estimates were rightly and deliberately framed. There were five columns, the first containing the total estimate for the work; the second, the sum already voted; the next, the sum already expended; the next, the amount required for the current year; and the last, the further amount necessary for completing the work. If all these were accurately filled up, whatever might be the sum voted, and whatever the sum expended, even though there might be some anomalies in the postponement of one expenditure, another appropriation of the sum voted, the facts would be constantly before Parliament. But let it be observed, everything depended on the fidelity and accuracy with which these columns were filled up. The Chancellor of the Exchequer, in his evidence before the Committee, admitted that the mode of preparing the estimates had failed in giving the information desired, because it appeared that the columns had not been filled up, or not filled up with sufficient accuracy; and hence the difficulty of drawing any accurate conclusion as to the amounts.

The CHANCELLOR OF THE EXCHEQUER had not the slightest difficulty in assuring the right hon. Baronet that his attention had been directed to the matter, inasmuch as all the estimates were under the notice of the Treasury. It was perfectly true, that unless all the returns were accurately filled up, the information was not worth a farthing. If this were done, a precise knowledge of all the estimates would be brought annually before Parliament.

MR. COBDEN observed, that the discussion had given occasion for many sound principles to be enunciated; and he thought hon. Members would be satisfied that the Legislature had made very considerable progress in the declaration, at least, of sound principles with regard to our colonial government. A Motion had been brought forward for stopping the expenditure in the Ionian Islands. Those islands stood in an exceptional state to all our other colonies and dependencies abroad. It was said they had come into our possession after the late war, for political reasons, and for the benefit of this country. But on referring to the debates in 1816, he found that very eminent authorities protested against our taking possession of these islands at all. The Marquess of Lansdowne, in speaking of this subject, said—

> "But to revert to the Ionian Islands, he did not see of what use they were to this country. They were burdensome and expensive, but of no use; and here he should advert to the policy of the Congress which had given to England the protection of those places; the Congress acted towards this country as a man dying without fortune, who left the providing for a son to one friend, for a daughter to another, and the payment of his debts to a third. They had, in fact, made England the residuary legatee under a testament of this kind; whenever an unprofitable burden was to be borne, it was left to this country."

Lord (then Mr. Brougham) said—

> "Then, again, why were the seven or eight Ionian Islands saddled on us? Productive of nothing else, they were exceedingly rich in patronage. There must be governors, and secretaries, and commanders-in-chief, and commissaries, and port admirals, and the whole apparatus of patronage. And these were the latent inducements to burden this country with their protection."

In proposing to stop this expenditure, the hon. Baronet the Member for Southwark had understated the amount that would be saved; for in every such instance the expenditure went much beyond the estimate. A sum in the estimates of 70,000*l.* or 80,000*l.* was sure to amount to 50 per cent more; therefore by stopping these works a saving of 150,000*l.* would probably be effected. He hoped the Government would direct their attention to the very imperfect data on which the works had been begun. Sir J. Burgoyne himself, in his evidence, admitted that the first estimates were not much to be relied on, and said that the final project and estimate was made in a rough way. If a civil engineer had made estimates on no better data, he would soon have ceased to be employed in similar undertakings. In his opinion the only way to avoid these excesses was for hon. Members to make up their minds to expend no more on these foreign possessions. The hon. and gallant Member for Westminster had spoken of the necessity for maintaining some foreign stations in a very high state of defence. But where was the necessity for this, so long as we maintained our maritime supremacy; for that, and that alone, was the guarantee against those fortresses and armed places abroad being taken from us. If the Straits of Gibraltar were slightly less fortified, or if we were to abstain from making any addition to the works or forces there, he did not think that any foreign nation would be likely to go and take possession of them, because, on the argument of our maritime supremacy, they would not be able to keep them. In illustration of this, he might refer to the case of Heligoland, at the mouth of the Elbe, over which we maintained a nominal supremacy. This place was a perfect focus of smuggling, and as such must be extremely obnoxious to the adjacent State. But those who advocated a constant increase of expenditure at Gibraltar might as well come down with a plan for fortifying Heligoland, and ask for an immense garrison to be kept up there. Precisely the same arguments might be used for that as those by which the defences of Malta and Gibraltar were supported. Yet nobody attempted to go and take possession of Heligoland, or to supersede our authority there. On the subject of these defences much sounder opinions had been entertained in 1816 than had been since held. He would read to the House what was said by the Marquess of Wellesley; and if he (Mr. Cobden) were to make such a speech now, he should be charged with seeking to destroy all our foreign possessions. He said—

> "It was for the House, so long as the question was before them in detail, to estimate the particular danger to which each of the different settlements was exposed, because it was that danger alone by which the amount of its military force ought to be measured, and then to compare this danger with the danger to ourselves at home from a lavish and improvident expenditure. Malta, also, must be fully garrisoned—and why? Not on account of any apprehended attack, for there was not a breadth of wind to waft a hostile fleet towards her shores, but for a different and singular reason, namely, that her fortifications were very strong. So, with respect to the Ionian Islands, the argument was this—they were acquired in time of peace and by treaty. Corfu is extremely strong, and therefore they must have a large garrison, and Corfu must have a force in proportion to the strength of her position. In fact, let the place be strong or let it be weak, let it be old or new, populous or the contrary—from all parts come converging arguments in favour of an increased establishment. But economy, approaching even to parsimony, was the panoply of peace—and those who maintained that the safety and security of this country depended on our maintaining great armies in a period of peace, displayed an ignorance of the first principle of our constitution; and not only that, but an ignorance of the first principle of our insular policy."

How was the House to guard against the great waste which inevitably arose the moment we commenced fortifications abroad? The House would not remedy it, nor could any Committee of the House. The engineering department had admitted that they were not formed on a principle which was likely to remedy it. There was no remedy but to stay their hands as much as possible from undertaking any more of these fortifications.

Vote agreed to.

On the next vote, 49,859*l.* for the expenses of the scientific branch of the Ordnance, was, after a few observations, agreed to.

The next vote was 86,659*l.* to complete the sum necessary for the non-effective service.

MAJOR BLACKALL complained that the privilege given to lieutenant-colonels in the royal artillery and engineers of retiring on full pay, was not extended to the officers of the line. Of the former, thirty-four had retired in one year, while in the whole of the line, only twenty had so retired. He knew that twelve lieutenant-colonels of the artillery, and five of the engineers, had declined to accept the boon offered them, of filling up the vacancies;

and this boon might have been suitably extended to old officers of the line.

Mr. FOX MAULE thought the hon. and gallant Member had overlooked one material difference with regard to the respective positions of artillery and engineer officers, and of officers of the line, in the fact that the former advanced by merit and service, whereas the latter got their commissions, and could obtain their promotion, by purchase. He was not prepared to give any definite reply to the suggestion of the hon. and gallant Member that the lieutenant-colonels of the line should have retirements after refusal by engineers and artillery officers.

Mr. HUME had to complain that every recommendation made by the officers of the service leading to increased expense was eagerly seized upon and adopted; but every suggestion favourable to economy was instantly rejected and laid aside. He had no objection to the promotions which the public service allowed; but he had strongly to protest against the system of brevets, as they led to a gratuitous and uncalled-for waste of public money. He had seen in the public papers, that an officer in the British service had taken it upon himself to make war upon a native king on the coast of Africa. He wished to know whether the officer in question had acted with the sanction of the Government, or whether the war was one of those emergencies that the country would afterwards be called upon to pay for? If the officer had exceeded his authority, he (Mr. Hume) should like the Government to make him pay all the extra expense of his unjustifiable proceedings.

Lord J. RUSSELL said, he had received despatches on this subject, but had not yet been able to read them. However, he believed he might say that the proceedings of this officer had not received the sanction of the Government.

Colonel THOMPSON said, there appeared to have been a complete *razzia*, after the model of Algiers, and on the same pretext, that somebody had been insulted. Nobody ever was insulted, but by their own fault. The result appeared to have been the sacrifice of some hundreds of black lives, and some of whites. There ought to be a severe reckoning for transactions of this nature.

Vote agreed to.

Resolutions to be reported To-morrow.

House resumed.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, July 19, 1849.

Minutes.] Public Bills.—1ª Chapels of Ease (Ireland); Petty Bag, &c. Offices Amendment; Labouring Poor Act Amendment (Ireland); Relief of Distress (Ireland) (No. 2); Small Debts Act Amendment; Stock in Trade; Regimental Benefit Societies; Enlistment (Artillery and Ordnance).

2ª Titles of Religious Congregations (Scotland).

Reported.—Admiralty Jurisdiction in the Colonies; Sewers Acts Amendment.

3ª Turnpike Roads (Ireland); Pupils Protection (Scotland); Sequestrators Remedies.

Petitions Presented. By Earl Fortescue, from the Southmolton Union, for the Establishment of a Superannuation Fund for Retiring Poor Law Officers.—From Birmingham, for the Restoration of the Ten Suppressed Sees in Ireland.—From Bangor, for Extending the Jurisdiction of County Courts.

TITLES OF RELIGIOUS CONGREGATIONS (SCOTLAND) BILL.

Lord CAMPBELL moved the Second Reading of this Bill, the object of which was to put an end to the great inconveniences which were at present felt in Scotland, owing to the feudal tenures in that kingdom in obtaining the transfer from one set of trustees to another, of small pieces of land, which had been obtained for the purpose of erecting chapels and schools in connexion with religious congregations in Scotland. The Bill simply proposed to extend the principle of an Act passed in the 3rd and 4th Victoria, and to give the right of holding the property upon the death of the trustees to other trustees, or the minister of a congregation, without the expense and delay attendant upon the present mode of conveyance. The inconvenience of the present state of the law had been felt to be a grievance, and the present Bill, which proposed to remedy the evil, would be beneficial to the whole of the sects and religious persuasions of Scotland. The Bill had passed without opposition through the other House of Parliament, and he hoped their Lordships would not refuse to allow it to be read a second time.

Lord REDESDALE said, that if this Bill had passed without opposition in the House of Commons, it was owing to the fact that it had also passed without due consideration. His Lordship then read several extracts from the Journals of the other House of Parliament, to show that every one of its stages in that House had been taken after half-past twelve o'clock at night. Had it not been for the way in which Bills were passed in the House of Commons at this period of the Session, this Bill would never have reached their Lordships in its present shape; for it made every school and Dissenting congregation in Scotland a corporation qualified to hold land. It also placed Dissenters in the same position as the Established Church in that country. Hitherto the property of all Dissenting congregations had been held for them by trustees; but this Bill made all office-bearers in those congregations trustees at once *virtute officii*. It was intended, also, to set up the ministers of the Free Church on the same footing as the ministers of the Established Church. He therefore hoped that the noble and learned Lord would not persevere with this Bill during the present Session. If it were fitting that the ministers of Dissenting congregations in Scotland should be erected into perpetual trustees capable of holding land for their flocks, it was also fitting that the same privilege should be given to Dissenting congregations in England.

Lord BROUGHAM supported the second reading of the Bill, and saw no probability of either inconvenience or evil arising from it. He had no objection to it because it was favourable to the Free Church, which, though it did not contain a majority, still contained a large minority of the people of Scotland. He did not wish the Free Church well, but he did wish it to have the fullest religious liberty. The ministers of that Church were already trustees in law, and this Bill would not erect them into corporations.

The Earl of ABERDEEN could not say that he entertained any objection to the principle of this Bill, which merely carried out the provisions of another Bill passed some years ago. It was, however, a specimen of hasty legislation upon a matter which was always of importance, and which was particularly important at this period in Scotland. Without objecting to the Bill, he must say that in his opinion the noble and learned Lord would do much better in postponing it to another Session than in endeavouring to pass it now.

Lord POLWARTH said, that he believed there was a very large proportion of the people of Scotland who were utterly ignorant of the provisions of this Bill. He thought it necessary to delay the Bill for a short time on that account.

Lord CAMPBELL denied that the Bill would establish any new principle; it was simply an alteration of the present mode of conveyance. If the Bill would have the effect of giving any unfair advantage to the Free Church, he would be the last person in the House to bring forward such a measure.

Lord REDESDALE said, that the Bill had only been introduced into the House of Commons on the 2nd of July, and therefore it was impossible that it could have received due consideration. He wished that the Bill should be postponed, for a new principle was established which he thought ought to be maturely considered.

Lord BEAUMONT said, he could not conceive what objection there could be to the Bill. It was simply a Bill to enable parties to do in a more simple form, and at less expense, that which they were legally entitled to do at present. He denied that the Bill was one of a religious or sectarian character.

Lord CAMPBELL, in reply, denied that the object of the Bill was to set up the Free Church against the Established Church. It was not a Bill to give sites for chapels and schools contrary to the will of the over-landlord; but it was a Bill to enable the office-bearers of Dissenting congregations to avail themselves of the sites which they had already got. He hoped that their Lordships, notwithstanding the objections urged against it, would read the Bill now a second time.

On Question, resolved in the *Affirmative*.

Bill read 2^a.

PUBLIC HEALTH (SCOTLAND) BILL.

Lord POLWARTH wished to know whether the noble Earl opposite (the Earl of Carlisle) had any intention of presenting the Public Health (Scotland) Bill during the present Session; and if not, whether he would undertake to introduce any measure early in the next Session, in order that it might be fully discussed, and come into operation as soon as possible? He regretted that the measure had not been brought in at an earlier period of the Session, for had it been passed it was probable that the visitation of cholera which had afflicted so many parts of the country lately might have been rendered less severe in its character by the operation of that Act.

The Earl of CARLISLE participated in the regret which he knew that Lord Polwarth would feel on hearing that they were not likely to receive from the other House that Session a Health of Towns

Bill for Scotland. That Bill had been introduced into the House of Commons, and had been referred to the consideration of a Select Committee. He hoped that it might still emerge from that Committee, and come down to their Lordships for discussion. Still, if the Members for Scotland should be of opinion that the Bill could not be passed during the present Session, he hoped that it would be one of the first objects discussed in the next Session of Parliament.

AFFAIRS OF ROME.

The Earl of MALMESBURY wished to put a question to the noble Marquess the President of the Council on the subject of the arrival in this country of a number of persons who had served in the Republican army in Rome, and who had received passports from the consular agent of this country at Rome, Mr. Freeborn. He did not wish to express any opinion with respect to the affairs which had recently taken place at Rome. But whatever opinion they might have with respect to the policy which induced the French Government, and the justice which regulated their actions when they sent an army to Rome, it was at least unusual for a consular agent to give passports to foreigners, and especially to foreigners who were in the very false position in which many of those persons found themselves. If any excuse could have been given for such conduct, it would have been that of humanity. If the lives of these men had been in danger, he could conceive the propriety of straining a point, and giving them passports in order to facilitate their escape from danger. It appeared, however, that such was not the case, and the French general was only too glad to get rid of those persons. Therefore he could not understand the reasons that had induced Mr. Freeborn to act in this unusual manner. He thought that such a practice must prove injurious to the respectability that always belonged to English passports; and the subjects of Her Majesty travelling with English passports might find some inconvenience from the suspicion that would by this means be thrown over persons having those documents in their hands. Could the noble Marquess tell him if the English Consul at Rome was acting according to orders given by the Secretary of State in England, or was he merely acting on his own responsibility? If it were inconvenient to the noble Marquess to answer the question at that moment, he would repeat it on the following evening.

The Marquess of LANSDOWNE could answer the question as well then as on a future day. He certainly had heard that Mr. Freeborn had given such passports, and he agreed with the noble Earl that he ought not to have done so, unless the parties to whom they were given were in danger of their lives. It was impossible for him to say, from his own knowledge, whether each of the individuals to whom passports had been given was in such danger; but he apprehended that must have been the case, and that would, therefore, be the ground on which the passports had been given.

Lord BROUGHAM considered that this was a very important matter, if English passports were to be given indiscriminately to foreigners. The parties to whom those passports were exhibited believed that they were given in good faith; and hence the little inconvenience to which Englishmen were subjected in travelling upon the Continent. But if every foreigner could obtain them, it would prove very injurious to English subjects who might not have their passports quite *en regle.* A knave going to escape from the scenes of his knavery was sure to have his passport more *en regle*, as the French called it, than the honest subject of these realms.

The Earl of HARROWBY reminded their Lordships that an English passport was a safe conduct through foreign countries. If it were to be given to a foreigner in danger, it would cease to be a security to an Englishman, or, indeed, to any individual. If a person who had made himself very notorious was now walking on the strength of a British passport in security through the streets of Rome, it was a matter that deserved to be noticed.

The Earl of MINTO was prepared to give some explanation, on the part of Mr. Freeborn, with respect to the course he had taken. He concluded a letter to him (the Earl of Minto) in these words—"Excuse this brevity, I am fatigued in body and mind. I have been up all night facilitating the departure of those who, having compromised themselves, might be shot." He added, that the danger to human life alone induced him to act as he had done. He (the Earl of Minto) would not say whether Mr. Freeborn had acted right or wrong; but he wished, in justice to him, to state what were his motives in facilitating the escape of those persons from imminent danger.

The EARL of MALMESBURY thought that the Consul proved himself what he had proved himself before, a rather nervous person. He had happened to see on the preceding day one of those men who came over with Mr. Freeborn's passports, and he confessed that General Oudinot was anxious to get rid of those persons. So glad was he to get rid of them, that there were many persons travelling under English passports to whom General Oudinot had given a French safe conduct.

THE STEAM NAVY.

EARL TALBOT begged to call the attention of their Lordships to a correspondence which had recently taken place with respect to the state of the steam navy, one of the correspondents being Sir Charles Napier, who had lately been in command of the Channel squadron, and the other correspondent being a Member of their Lordships' House. He did not wish to enter into the merits of that correspondence; but he thought the question raised by it of so much importance, that he was anxious to afford the Government an opportunity of setting the question at rest, by stating whether the steam navy of the country is or is not sufficient for the defence of our shores, and of the empire generally. The gallant Admiral to whom he referred stated that they had only three steam frigates with an armament on the main deck, and that there were twenty-two frigates of that description in the French navy. He did not think the gallant Admiral had adduced any very strong evidence in support of the assertion that there are twenty-two French steamers of this description; but he had stated in positive terms that we had only three vessels carrying guns on the main deck propelled by steam. He found the gallant Admiral had omitted the line-of-battle ships that go by the name of block ships, that are propelled by screws, and which he (Earl Talbot) had no doubt would sooner or later prove of efficiency and use; and so much did he think that was the case, that he had no doubt that, in the course of a few years, they would find it necessary to adopt the screw system as an auxiliary in all their sailing vessels, and thus make them, what frigates were formerly called, "the eyes of the fleet." He should take the liberty of putting a question to the noble Earl opposite (the Earl of Minto) with reference to the matters adverted to in the correspondence at the close of his observations. It was not his wish to moot the question at all in the House, and he would not have done so had he not seen that it was totally unattended to in the other House of Parliament, where the Admiralty was more immediately represented, and where it was more proper to have the question discussed. He intended to move for certain returns with the consent of the First Lord of the Admiralty, who gave his permission on the condition that he would only move for the first-named returns, and the others, involving too much labour in the office, could be made out hereafter. The first return he would move for would be to show, "The number and description of each war steamer in commission, showing tonnage, horse-power, and armament, quantity of coals each is capable of carrying under hatches, consumption of coal per diem when under full steam, distinguishing screw from paddlewheel ship." Secondly, "Similar return of war steamers either advanced in ordinary, or under repair." Then they would get an official record that would show the extent of the steam force of this country. He would observe that there was a great waste of public money in the construction of steam vessels in this country, and that had been occasioned by the want of a measure which for several years he had advocated, namely, the appointment of a scientific board of construction, to whom the plans of all vessels might be referred. It was most important that they should bring science to bear on this matter. At present each man had his own view as to the mode in which ships should be built, and called upon the Admiralty to approve of his plan; and the consequence was that they had ships built that were mismanaged. He had moved for return after return, to get at the wasteful expenditure of public money that had been thus occasioned; but they presented one mass of confusion that savoured very much of the cooking of accounts. He would not trouble their Lordships with the names of the ships that had been so mismanaged, as it would occupy their time much more than he was inclined to do; but he must allude to one of those ships, in the construction of which the gallant Admiral himself had taken a great part. The gallant Admiral had taken a great part in the construction of the *Sidon*; but he (Earl Talbot) had been informed that the *Sidon* was by no means a perfect ship. Amongst the returns for which he hoped to be able to move, he would also ask for a return of the merchant steamers which could be made available in case of emergency. There were, as their Lordships must be aware, certain contracts entered into with large steam companies, who received public grants for carrying the mails; and in these contracts he believed there was a clause by which those proprietors of steam vessels were compelled to construct them in a certain way, so that in case of necessity they should be able to carry heavy ordnance. That would be a very useful return to lay upon the table of the House. If the gallant Admiral to whom he had referred stated that he had seen those French steamers, and made a report respecting them to the Admiralty, he (Earl Talbot) would ask for a copy of that report, in order that their Lordships and the country might be able to judge of the extent of the force that exists in France. When he spoke of the French steam vessels, he was far from wishing that there should be any thing like jealousy between the countries as to the extent of the force to be sustained by each; but this country, from its insular condition, and the great demand on its marine, was entitled, at the least, to have as efficient a force as France. He begged to call their Lordships' attention to a statement he held in his hand of the ships in the French and English navy. It was taken from their *Navy List*, and from the *Journal of Marine*, in France, and the statement of the President of the French Republic:—

LINE OF BATTLE SHIPS.

In Commission.

ENGLISH.		FRENCH.	
No.	Guns.	No.	Guns.
12	1072	10	1006
Frigates.			
9	382	7	338
Corvettes.			
13	293	17	438
Brigs.			
27	300	21	318
61	2047	55	2100

STEAM NAVY.

First class, above 200 horse-power.

No.	Horse-pr.	No.	Horse-pr.
26	9,173	22	7,630
Two of which, from 800 to 560 horse-power, carry guns on main-deck.		Ten of which, from 600 to 450 horse-power, carry guns on main-deck.	
For 200 horse-power, downwards.			
No.	Horse-pr.	No.	Horse-pr.
43	5,898	86	4,700
69	15,071	58	12,330
Screw Steamers.			
No.	Horse-pr.	No.	Horse-pr.
9	1,560	3	540

RESERVED FORCE.

Line of Battle Ships.	
5 ready for commission 20 advanced	President of French Republic says there are 10
Frigates and Sloops.	
11 (but several advanced)	 15

STEAM RESERVE.

Ready.		
6 Screw vessels.	2,320	Steam frigates 10
27 Paddle steamers	6,688	
Nearly Ready.		
4 Screw-vessels.	1,520	Corvettes 6
6 Paddle steamers	2,150	Small vessels 6
43	12,678	

He admitted that they had a force sufficient to cope with any thing in existence at present; but he trusted, before any future steamers were built, means would be taken to correct the evil now complained of, and that their steamers might no longer be, he might say, the laughing-stock of the world. They had every capability for building the finest steamers in the world—they had the best machinery in the world, the best timber, and the best contractors, if the vessels were contracted for and equipped in a proper manner. While he was on the subject of naval matters, he should like also to obtain a return of the number of classes into which the ships of the Navy are divided. If a ship were disabled and wanted a spar, the answer, when it was applied for, might be that there was one belonging to another class, but not to fit that ship. Therefore there was a want of classification to enable them to arrive at a knowledge of what ships ought to constitute each class. What he contended for was, that a first-rate, carrying a certain number of guns, should be of a certain recognised size, and so with the second-rate, &c. A surveyor had been sent by Mr. Ward, the late Secretary of the Admiralty, to the dockyards, by whom regulations were made for the examination of apprentices for the different offices in the dockyard; but he (Earl Talbot) thought that the system of education now adopted was capable of great improvement. The greatest hardship had been experienced in consequence of the abolition of the Naval School of Architecture, and that was a measure which he believed to be of very great detriment to the public service, as well as of great hardship to the gentlemen who constituted that school. He hoped, before long that the necessity of the case would show that a school of that description should be established, from which the offices in the yards should be filled, and that department of the Navy put on an efficient and permanent footing. He would also move for a return on a future day of the number of men that had been discharged from Her Majesty's yards. The same system was now going on that had prevailed in the years 1832 and 1833—discharging men, leaving the yards inefficiently attended, the consequence being the very reverse of economical. Clearing the yards was not the way to get men; and when an emergency arose they would have to pay a higher price for them. He was perfectly confident that their steam navy would be able to maintain the honour of this country; but still he did not think it was so possible as men imagined, considering the great facilities that steam had given to France and other countries to bring troops to the shore and carry them over, to say that there is an equal facility of resisting them. They should, therefore, be on their guard, though he had no fear of the result, and he would have less fear when their seaboard was put on a more efficient footing. He could not sit down without saying that there were powers and inventions which would secure this country, not only from all the steamers of France, but from all the steamers of Europe. They knew of it very well, and the Government, he thought, were very remiss in not securing the benefit of them for the country. Having had a communication with the First Lord of the Admiralty, he would now move for the first two returns only.

The EARL of MINTO had no doubt that he could obtain such information from the Admiralty as would enable him hereafter to give the noble Earl a more satisfactory answer than he could then give him, and which therefore he would not now attempt to give. He agreed with the noble Earl in the opinion expressed by him—that the state of the steam navy, when the returns were made, would be found to be such as must give entire satisfaction and security to the country. He could say for himself that, having seen several of those vessels on service, he was perfectly satisfied with them. With regard to the motive that had induced the noble Earl to move for those returns, namely, to counteract the representation of a very distinguished and gallant officer, he (the Earl of Minto) was sorry to say that such a correspondence had taken place. He must express his regret that any officer should carry on a correspondence of that description, or a controversy of that nature. It could not be attended with any public advantage whatever, it was of great detriment to the service, and it was a practice which he would wish as much as possible to be avoided. He had no objection to the returns that had been moved for; but with regard to the other returns, he hoped the noble Earl would give notice before he moved for them.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 19, 1849.

MINUTES.] PUBLIC BILLS.—1° Customs; House of Lords Costs Taxation.

Reported.—Judgments (Ireland); Stamp, &c. Allowances.

3° Estates Leasing (Ireland); Municipal Corporations (Ireland); Small Debts Act Amendment; Stock in Trade; Regimental Benefit Societies; Enlistment (Artillery and Ordnance).

PETITIONS PRESENTED. By Mr. Hume, from Singapore, complaining of Infraction of Treaty with the Netherlands.—By the Earl of March, from East Grinstead, for Repeal of the Duty on Malt.—By Mr. Milner Gibson, from London, for the Repeal of the Duties on Paper, &c.—By the Attorney General, from the Shrewsbury and Chester Railway Company, for Postponement of the Audit of Railway Accounts Bill.—By Lord R. Grosvenor, from London, for Recognition of the Hungarian Republic.—By Mr. Mackinnon, from R. Jones, and others, against the proposed Plan of sending Mails to Paris viâ Calais.—By Mr. Masterman, from London, against the Sale and Manufacture of Bread Bill.—By Mr. Pearson, from Lambeth, for an Alteration of the Sale of Beer Act.—By Mr. Blewitt, from Newport, for an Alteration of the Small Debts Act.

INCUMBERED ESTATES (IRELAND) BILL.

The SOLICITOR GENERAL moved that the Lords' Amendments to this Bill be taken into consideration. He said, that out of the 35th Clause the House of Lords had struck out the words, "that no money paid to the Accountant General in Ireland shall be liable to usher's poundage." He intended to ask the House to disagree to that Amendment of the Lords. The Bill in effect substituted the Incumbered Estates Commissioners for the Court of Chancery. Under the Bill the commissioners would have the power, if they thought it necessary, of paying money into the Court of Chancery for adjudication upon by that court; but it would be observed, that it would always be money arising from the sale of land sold under powers which were analogous to those of the Court of Chancery. Now, it was the practice in Ireland to allow the usher to have poundage on all money paid into the Court of Chancery from any exterior source; but where land was sold by the Court of Chancery the produce of that land so sold was not liable to usher poundage. Money, therefore, paid by the commissioners into the Court of Chancery would be exactly the same as money paid for the sale of land under the court, which was not liable to poundage at all. Considering that the office to which he had referred was a grossly sinecure office, and which would cease with its present holder, he had no hesitation in proposing that the words should be struck out of the Bill which prohibited the payment of poundage. It might be a question whether the Amendment of the Lords did not affect the privilege of the House of Commons, inasmuch as it was in the nature of imposing a tax. He would not, however, go upon that ground, but upon the broader ground of principle, believing, as he did, that the House of Lords, in passing the Amendment, had not before them the real facts of the case.

Committee appointed, "to draw up reasons to be offered to the Lords at a Conference, for disagreeing to the Amendment to which this House hath disagreed:"—Mr. Solicitor General, Mr. Bernal, Mr. Monsell, Mr. Stafford, Sir John Young, Mr. Sadleir, and Sir William Somerville:—Three to be the quorum.

The other Amendments were, after a desultory conversation, agreed to.

TAXATION.

Mr. DRUMMOND, in bringing forward the Motion of which he had given notice relative to the taxation and large expenditure of the country, said that the necessity had now arisen for Her Majesty's Government taking into their serious consideration the mode of levying taxation in this country, with a view of making some radical change. The last time he troubled the House on this subject, he asked for leave to go into a Committee of the whole House, in which they might have been enabled to go into these matters in detail, referring to all the various establishments in which economy might be practised, and in which expenditure might be reduced. Her Majesty's Government were pleased to oppose that proposition, and one of them had turned his remarks into ridicule, while another had warned the House against following so inexperienced a Palinurus. To come to a plain conclusion, however, it needed only a reference to the numerous blue books and reports on the table, and to those he referred for a justification of the course he proposed. He feared that Her Majesty's Government would judge of this Motion rather by association with former Motions, similar in words, but very dissimilar in tendency; for they had usually been made by some persons intending to damage the Government, and to establish some rival faction in power and emolument in their place. He needed hardly to waste the time of the House by pointing out how impossible it must be that such could be the intention of this Motion. In fact, the days of party were at an end; and it would not now do to proceed in this covert way against one party, for there was no other party to substitute. Whether it were right, or whether it were wrong—whether it were advantageous, or not—parties were at an end. He, for one, regretted—greatly regretted—that there was no powerful party to whom the Sovereign of this country might have recourse, if need should arise; but, nevertheless, they had to deal with the House as they found it, and not as they might wish it to be. If there was a disadvantage, and on that he gave no opinion, in no longer having these strong parties in the House, at all events there was an advantage for independent Members, and they had a greater opportunity, if they used it aright, of carrying into effect the measures they thought necessary for the public good. For, in point of fact, the great interests of the country at all times had been sacrificed to party purposes; from the days of the Revolution—he meant the Revolution of 1688—down to the present time, every great interest in the country had only been the battlefield upon which the real question at issue had been, which faction in this House should rule. It was so at the beginning, it was so in the days of the early French Revolution; it was so during the days of the American war; it was so during the time of the Canada rebellion; it was so in the case of the corn laws; and it was so now every day in the case of free trade. And some people adopted this course really believing they were free from it. To-night he had seen the operation of the principle. An hon. Gentleman who sat on his side of the House said to him, with regard to the Motion he was now bringing before them, "Oh, I quite agree with your Motion, and think it a very right sort of thing, but then you know I could not go into the lobby with the Member for the West Riding." Again, another hon. Friend, who sat on the opposite side of the House, said, "Oh, I entirely agree with you—I am a Radical reformer, but when I see the Conservatives supporting you, I think I cannot fitly do so." Now, it was in that way that they sacrificed the interests of the country to faction. There was also more than ordinary difficulty in the way of independent Members carrying out measures, and the reason was this—that, individualised by their peculiarities, they must of necessity be a desultory body; they could not be in compact order: and certainly a small and compact body would always in detail be a more powerful body than a more numerous company with no common principle of union. To illustrate what he meant, they very well knew what difference in the speeches they should hear from hon. Gentlemen now on the opposite side of the House, if the Gentlemen on this side of the House were sitting there. Well did they know how lively on the subject of economy and retrenchment they had been; but those eloquent tongues were silent now. Perhaps they were keeping these away in a little corner for a future time, when the Whigs were in want of a subject for popular commotion, to be used as a stepping-stone to power. The policy of independent Members must be this. There were no greater differences among those who were convinced of the advantages of retrenchment than were to be found in any other body of men. If one discussed one mode of doing a thing, and another discussed another mode of doing a thing, an ingenious Government might very well be able to be heavy upon them, exclaiming, "what inconsistences there are among these people!" and "how difficult it is to examine their crotchets!" They must come to conclusions, and leave details, for differ as they might in their plans, both as to the how it was to be done, and the when it was to be done, the long and the short of the story must be for them to say, "You shan't have so much money." That was the end of the whole story. It was not, however, that those Gentlemen [*referring to the Treasury bench*] should rest altogether upon any assertion they could make; they ought to give them authority, more of authority than reasons for it. He desired upon that occasion to avoid using either inflammatory or exaggerated language, because he knew full well that there were greater expectations of relief to be derived from this source among the public, than there was any good foundation for. He had also seen it stated that the whole amount of our taxation was *en pure perte*—was just as completely wasted from the resources of the country as if it had been thrown into the sea. Now, that was not the fact; whatever the disadvantages of our taxation might be—and he was not inclined to diminish its disadvantages—a great deal of it did return to the country again, and was not therefore *en pure perte.* The advocates of retrenchment might readily grant all that—there was no necessity for exaggeration on the subject. All that they need attempt to show was, that the amount of taxation was excessive, and that the mode of levying it was unjust. He disclaimed all intention of casting any special blame upon Her Majesty's present Ministers for the evils of which he complained. In order to show clearly what he meant, he would take for his examples a few articles upon which the duties had already been repealed. The duty on the highest priced printed cottons, on the dearest cottons, which were only worn by the richer classes of the community, was 10 per cent; but upon the very commonest cottons, those that were low-priced and worn by the poorest, the duty was 50 per cent. You would say, you had repealed all these; yes, but the principle on which the taxes were made existed now. The tax upon leather was regulated by the weight; but everybody knew that a countryman's shoes weighed more than a hundred pairs of ladies' shoes, and accordingly they cost him more. The same with the tax upon wine; it was 100 per cent, while the tax upon beer was 175 per cent. These were illustrations of his meaning, and further than that he would not detain the House. It was the whole establishment of the country that had been in that sort of way pitched at too high a rate; and as evidence of that, he would give the House first a quotation from a journal which was the great organ of the last Administration. The *Quarterly Review*, in a long panegyric which it pronounced upon the right hon. Member for Tamworth, said—

> "If we are to keep our place, it is indispensably necessary that every incumbrance should be removed which clogs the activity and energy of individuals or the Government. Every part of the machine of society must be adapted to the increased exertion it is called upon to make. If

> this be so, every branch of our public and private economy — the administration of the affairs of parishes and counties; the state of charities, corporations, public schools, colleges, the law, the Church, and the whole management of our foreign dependencies, must necessarily submit to examination and amendment. Wealthy as the country is, and attached to ancient institutions as it has always been, it can no longer support the burden of places or proceedings which can be simplified or dispensed with. While no branch of our institutions ought to be touched which can be safely let alone, there yet exists an imperative necessity for submitting many of them to alteration. When the situation of a State becomes really critical—when its affairs require to be effectually disentangled, it is neither to men of mere routine, nor to proficients in statistical calculation, and the metaphysics of political economy, that the wise will look."

He believed that was exactly the state of the case; that unless they would, by some strong resolution, compel, if they supposed them disinclined, or strengthen the hands of the Administration if they were inclined to make retrenchments in the public expenditure, they neither would nor could. He was further strengthened in his views by a passage in a despatch, lately presented to the House, from one of our colonial governors to Earl Grey:—

> "Your Lordship will find, that I stated in my message to the council, that though I was not of opinion that the salaries were extravagant, or the officers too numerous, yet I considered that some diminution should take place in consequence of the state of the finances, and that I intended making a proposal to your Lordship. This I proposed should be to the effect that from the 1st of October next a graduated deduction should be made by the treasurer on all salaries from 100*l*. and upwards. It has been objected, that to touch the fixed salaries was contrary to all rule and practice. I do not pretend to know whether such be the case or not; but it certainly does appear to me that if the revenue cannot meet the expenditure, and if at the same time the whole population is in a state of distress, that in equity it is not only just, but also expedient, as manifesting a proper sympathy on the part of the Government, that some reduction should be made in the salaries of its officers."

Now, Earl Grey did not assent to that in the case of the colony referred to; but he found him assenting in the case of another colony, which would do just as well. Earl Grey says, March, 1849, very much to the same effect as the Motion of the hon. Member for Oxfordshire the other night. Objections had been urged touching fixed salaries, upon which it was unnecessary now for him to give any opinion; but at a time when the revenue of the country was not meeting the expenditure, and when the great body of the people were in distress, it was worth considering whether it would not evince a proper sympathy in the Government with the sufferings of the people if they submitted to reductions in the salaries they received. His Lordship writes—

> "That a complete revision of the financial system of Jamaica, including an improvement in the existing mode of taxation, both for general and parochial purposes, would afford more real relief to the suffering planters than any other measure which it is in the power of the Legislature to adopt."

In another colony they made a stand and a remonstrance against any alteration or reduction in the Government expenditure. Then the council of the colony took it into their own hands, and stopped the supplies. [An Hon. MEMBER: What colony?] Guiana. What said the document in his hands?—

> "Due weight ought to be given to the following considerations — That the agriculture of the colony is in a state of great depression; that every degree of retrenchment in the public expenditure that is consistent with justice and good faith is imperatively called for; that an example of the reduction of emoluments set by the Governor would increase his personal influence and authority in the colony, and would tend to reconcile the holders of subordinate appointments to the application in their own case of a rule to which the highest authority in the colony had voluntarily and cheerfully submitted."

That was from the report on the colony, and he believed it was drawn up by Sir Robert Peel. Next to the alteration in the mode of levying the taxation, that was by relieving the poor and making it press more severely upon the rich, was one that he had most at heart, and was the most important in consequences, that they should take some means to pay off or diminish the burden of the national debt—whether by conversion into terminable annuities, or by buying up stock in the market—that was a point which was necessary, and could not be too soon attended to by those Gentlemen who talked of the recovery of agriculture. It was perfectly true they could raise five times the amount of eatables out of the land which they now raised. That was perfectly true, no doubt; but then it could only be done by an expenditure of capital greater than the value of the produce raised. Therefore, the only way in which they could give relief, was by lowering the rate of interest to such an extent that money might be employed productively which was now unproductive. He should conclude by reading one passage from Burke, to show the necessity there was of a higher object being contemplated by Government in their wishes to benefit the country, and of some such measure to carry their wishes into effect:—

> "The private enemies to be made in all attempts of this kind are innumerable; and the enmity will be the more bitter, and the more dangerous too, because a sense of dignity will oblige them to conceal the cause of their treatment. Very few men of great families and extensive connexions but will feel the smart of a cutting reform in some close relation, some bosom friend, some pleasant acquaintance, some dear protected dependent. Emolument is taken from some, patronage from others, objects of pursuit from all. Men forced into an involuntary independence will abhor the authors of a blessing which in their eyes have so very near a resemblance to a curse. When offices are removed, and the officers remain, you may set the gratitude of some against the anger of others; you may oppose the friends you oblige against the enemies you provoke. But services of the present sort create no attachments. The individual good felt in a public benefit is comparatively so small, comes round through such an involved labyrinth of intricate and tedious revolutions; whilst a present personal detriment is so heavy where it falls, and so instant in its operation, that the cold commendation of a public advantage never was and never will be a match for the quiet sensibility of a private life; and you may depend upon it that when people have an interest in railing, sooner or later they will bring a considerable degree of unpopularity upon any measure. So that for the present at least, the reformation will operate against the reformers; and revenge (as against them at the least) will produce all the effects of corruption."

It was not the first time that a man in the Administration had been very willing to do all in his power, but never had been able to do what he thought was necessary, for want of the cordial support of that House; and hence, not desiring to lay upon Ministers the blame arising out of this censurable system, he should encourage them by this resolution in doing that which he believed was necessary for the good of the country.

Motion made, and Question proposed—

> "That whereas a greater amount of Taxation is levied upon the people than is required for the good and efficient government of the United Kingdom; and whereas large sums are expended in supporting needless places, extravagant salaries, and unnecessary works and establishments; and whereas the present Taxation of the Country depresses all classes, and especially the labouring classes, by diminishing the fund for the employment of productive labour, it is the opinion of this House, that adequate means should be forthwith adopted to reduce the expenditure of the Government."

MR. CHRISTOPHER seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman had stated that it was no part of his intention or Motion to express any censure or blame with regard to his Colleagues in the Government; but that, on the contrary, he would encourage them, if they were disposed, or compel them, if they were not disposed, to take certain measures which the hon. Gentleman considered necessary for the country. Now, if the House should think it necessary, by a general resolution, such as that of the hon. Gentleman, to express their opinion in favour of a certain course of policy, the Government at all events could have no objections, because, for the last two years, they had done their best endeavours to pursue such a course, and the whole tendency of their measures had been to carry the reduction of expenditure in all parts of the service, as far as they considered to be consistent with the best interests of the country. He did not know whether it would be necessary to repeat what had been stated on other occasions. The extent of the reductions made by them, showing that the Government had been engaged on the details of reductions to as great an extent as was compatible with the maintenance of the departments of the public service in an efficient condition. Beyond that point the hon. Gentleman himself would not push his proposition for retrenchment. The hon. Gentleman, in the course of the observations which he had addressed to the House, adverted to the argument which had frequently been before the House, about a higher rate of duty being imposed on low-priced articles, and a lower rate upon high-priced goods. That was a mere revival of the old argument which rested on the comparative advantage of an *ad valorem* and what was called a rated duty. He did think, and the hon. Gentleman himself must be aware, that the tendency of all our recent legislation, and generally the opinion of men engaged in trade and commerce, was in favour of a fixed rate as more likely to promote the interests of commerce than an *ad valorem* duty. There was a great deal of sound argument to be used on both sides, for and against both an *ad valorem* and a fixed duty; but the general and strong opinion was in favour of a fixed rate, even though it included the articles usually consumed by the lower classes of the community. The tendency of the legislation had for some time been to impose a low fixed rate instead of *ad valorem* duty, as more beneficial to the commerce of the country, and that even in cases where the articles were those of general consumption. The hon. Gentleman stated it was most desirable to take the taxation off the poor and impose it on the rich; but the precise mode in which he would do that, the hon. Gentleman did not proceed to state. He could only repeat, therefore, that the tendency of all the recent legislation of the country had been to that end, and more especially within the last few years. It was rather remarkable that the hon. Gentleman at this period should have talked emphatically of the taxation pressing upon the great body of the people, when there hardly ever was a period during which within a few years larger reductions had been made in the taxes levied on those articles of general consumption by the people, and to supply their place additional taxes had been laid upon incomes and property. Since the year 1842 up to the present year 1849, from the commencement of the measures introduced by the right hon. Baronet the Member for Tamworth, the reductions made upon articles that were either the raw materials of our manufactures, or the articles generally consumed by the great body of the people, had been no less than 9,000,000*l.* That had been the amount of duties either reduced or repealed. The course which had been pursued in the repeal or the reduction of these duties, had a strong tendency to remove taxation off the poorer and to lay it on the richer classes of society. He apprehended that those persons whose incomes were so large as to be subjected to the tax, might be described as the richer classes of society. The course, therefore, of the Legislature of the country, during the last eight or nine years, had been precisely in the direction indicated by the hon. Gentleman, and strictly on the principle of removing taxation from the poorer to the richer classes of the community. Whether the hon. Gentleman proposed to go further—whether he would take a greater amount of taxation off and increase the rate of taxation upon incomes—whether he would double the income tax and take 4,000,000*l.* or 5,000,000*l.* more from the amount at present levied by taxation, he knew not; but this he would say, that if he did not mean in that way to carry out his purpose, he did not understand how he could further relieve the great body of the people at the cost of the rich. It would have been more desirable for the hon. Gentleman to have stated in what way he meant to carry out his project for the relief of the poor. The hon. Gentleman said that it was indispensably necessary in some way to pay off or diminish the national debt. He had no objection, if the holders of the interminable annuities were willing to have them converted into terminable annuities; but as to buying up stock, the hon. Gentleman has unfortunately forgotten to point out how the means could be provided for this purpose. If the hon. Gentleman meant to provide the means of buying up stock, by imposing additional taxes, he confessed it was not in his power to deal with the subject in that way; and otherwise the hon. Gentleman must be a more able financier than he professed to be, for he had never been able to see how it was possible to buy stock without money in his pocket to pay for it. If the hon. Gentleman meant to establish a sinking fund for the purchase of stock, he was reviving an exploded doctrine, which had now been universally given up, and had scarcely been held by any one for the last twenty years at least. The hon. Gentleman stated, as to the productions of agriculture, that five times more could be raised than now produced, but that that additional produce could not be raised without an increased expenditure of capital in the pursuits of agriculture. He certainly did look, as well as the hon. Gentleman, to see, by a judicious application of capital to agriculture, the resources of the country increased to meet the additional demands of the people for food. When the hon. Gentleman stated that he would lower the rate of interest, he seemed to forget the vast amount of rash speculation which had occurred within the last few years, arising principally from that very source. Indeed, numerous complaints were again being made, since the late panic, that money was abundant and might be obtained *ad libitum* at 1 or 1½ per cent. As far as he could see, looking at the amount of bullion in the Bank of England, and other tests on that subject, there was no lack of capital in the country, or any necessity for lowering the rate of interest. It might be well for the hon. Gentleman, in making such a proposal, to consider whether lowering the interest might not again force up into rank strength that spirit of speculation which it was desirable to check rather than to encourage. The hon. Gentleman said they ought to reduce the expenditure of the country. Well, what had they been doing? Within the last year and a half they had effected large and considerable reductions in the expenditure of the establishments of the country. But, said the hon. Gentleman, it was not enough; and the hon. Member for the West Riding joined him by adding, reduction must be made in the forces. Why, it was not a year and a half ago since it was not in the power of Government to supply the additional forces asked for by the manufacturing towns for the protection of life and property. As soon as these disturbances had passed over, reductions had been made in the Army to the number of 10,000 men. The proposals for further reductions in the Army were made and rejected in the House, and he concluded that this Government so far had the concurrence of the House in the limit which they had fixed for this year. In the Navy, reductions had been made to the number of 3,000 men. The hon. Gentleman stated that he cast no blame on the present Government, and he (the Chancellor of the Exchequer) admitted he did not think, when he stated that reductions had been made in the estimates for both services to the amount of 2,360,000*l.*, they were fairly open to the charge of having been unmindful of reductions in the expenditure. He did not mean to say that the course they had pursued had been satisfactory to all, but at least they had the approval of the majority of the House in not carrying to a greater extent the reductions which they had made. As for the reduction proposed to be made in salaries, that was a subject which had been fully discussed the other night; and it appeared then that the various officers were paid at a much higher rate, about 1780, than they were now, in consequence of emoluments then enjoyed which did not now exist. In the minor departments material reductions had been effected. In the course of the present year the pay-offices had been consolidated, whilst in the Paymaster's-office reductions in the amount of salaries had been effected to an extent of no less than 16,000*l.*, and of thirty-five in the number of persons employed. There had been a reduction of 47 per cent upon the whole amount of salaries paid, and of 33 per cent in the number of persons employed. The salaries in the Home Office had been reduced 3,774*l.* a year. Complaints had been made of the number of persons employed in the public service, and inquiries as to how many hundreds were employed in the Home Office, and at the Treasury. He would tell the House, the whole establishment of the Home Office consisted of eighteen persons; and fifty-four was the whole of the Treasury, exclusive of the six Lords and Secretaries in Parliament. Comparing the number of persons employed in the public offices in this country with the number employed in those of foreign countries, France for example, it would be found that they were one-fourth or one-third less. At the Treasury, including the Parliamentary staff, 62 persons were employed; at the Exchequer 9; at the Pay-office, 61; making, altogether, 130 persons for those establishments. In the French Ministry of Finance alone, no fewer than 560 persons were employed. He knew not what better test could be applied than this; and he thought if he had the hon. Gentleman under his guidance at the Treasury for a short time, he would find it pretty hard work there. In the Treasury a saving had been effected of 2,600*l.* per annum, while there was every prospect that, by carrying out a similar system of retrenchment, a saving of 10,000*l.* a year might be permanently made in that department. Hon. Gentlemen were fond of talking of patronage. He could assure them that no fondness for patronage should interfere with reductions. He himself had one office at his disposal — the Exchequer Seal-office — of 600*l.* a year, and this he had abolished. There had been inquiries instituted in the Home Office, with a view to a reduction in that department; many minor offices of a similar kind had been abolished also, while 2,000 persons were reduced in consequence of the consolidation of stamps, taxes, and excise— making a saving of 250,000*l.* since 1833. The Mint Solicitor's-office was abolished, which made a saving of 800*l.* per annum. In the Audit-office there had been a saving of 4,070*l.*; and reductions were made also in the following instances :—Auditors of Exchequer, Scotland, a saving of 1,500*l.*; Assistant Secretary of Chelsea Hospital, &c., a saving of 1,700*l.*; Stationery-office, a saving of 31,000*l.* (in the expenses of printing), and further contemplated reductions, by which 50,000*l.* would be saved. In the Customs, a saving of 60,000*l.* to 80,000*l.* a year. He mentioned these facts to show that in little things as well as great the attention of the Government had been directed to a reduction of expenditure in every way consistent with the efficient discharge of the public service. But he must remind hon. Gentlemen who advocated economy, that in some respects they were hard taskmasters, for whilst calling upon the Government to take increased duties upon themselves, they objected to grant the means to pay for them. During the whole sitting of Parliament, half the time of the clerks in the public departments was occupied in furnishing returns which were called for day by day in that House. Hon. Gentlemen complained if they were not furnished with the utmost readiness, whilst at the same time they were crying out, "reduce your establishments, and do not employ so many persons." But if such duties were constantly imposed upon the establishments, and such labour was perpetually being called for, it was absolutely impossible to execute it without adequate means of remunerating the persons employed in performing it. As he had already stated, they were called upon last year to furnish troops in greater numbers than usual for the manufacturing towns; yet from some of those places there had proceeded a cry for a large reduction of force. Then they were told that they were looking for patronage rather than the efficiency of the public service; yet they had been perpetually pressed in that House to appoint new commissions, new inspectors, and new establishments, to take upon them duties which the Government would not undertake. That pressure came from the House of Commons; and even the hon. Gentleman the Member for Montrose, though he deprecated any addition to our establishments, supported a Bill the other day which in this respect would have called for several new appointments. Under all these circumstances, the Government had, in his opinion, given sufficient proof that they had not been unmindful of economy; and they were determined to persevere in that course, because nobody could feel more than they did the necessity for it, keeping in view at the same time the efficiency of the public service. No person in the House had a stronger interest in promoting economy than the Chancellor of the Exchequer. But he must say that for the greater part of his official life he had had to resist the pressure of the House of Commons for further expenditure; and therefore he felt he did not need any of that pressure which the hon. Gentleman put upon him to persevere in a course which he had pursued ever since he became a Member of the House. He did not think the Government could justly be exposed to the censure implied in the resolution. The reductions they had made were as great as it was advisable to make in the present year; in future years further reductions might be made, and he had no hesitation in giving the strongest assurances to the House that no expenditure would be sanctioned by the Government which was not indispensably necessary, and that every reduction would be made consistently with the real interests of the State. They had given practical proofs of such being their intention. The resolution seemed to him to express a censure upon the former as well as the present Government, which they did not merit. They had no objection to it as a principle, because it was only consistent with their profession and their practice; but, as a Motion, he did not think the House ought to agree to it, because it implied a censure which was not deserved.

MR. HUME was almost ashamed to answer the statements of the right hon. Gentleman, because they had been repeated four times in the House. The question submitted to the House was, whether more money was raised than was wanted. The terms of the hon. Gentleman's Motion scarcely did justice to the subject. The hon. Gentleman said, that the day of party had gone by; he (Mr. Hume) wished that that was the case. Unfortunately, up to this hour, he found that party operated to reject measures which the country approved of, and which, if followed up, would confer a great benefit on the country. He thought the hon. Member for West Surrey had scarcely done justice to his own Motion; he scarcely knew in what way he supported his own allegations. The Chancellor of the Exchequer had a complete answer, and he (Mr. Hume) agreed with the Chancellor of the Exchequer that it was not the Ministry, but the House of Commons, that was responsible. Last year, on the proposal to renew the income tax, the House of Commons evinced their decided opinion against it, and then the Ministers came down and revoked their resolution. He wished that in the present case the House would show themselves equally alive to the pressure of taxation; but Members did not think of the manner in which the taxes were exacted, and consequently did not trouble themselves much about it. He did not deny the benefit they had derived from changes; he only complained that they had not carried them further. He entirely concurred in the Motion of the hon. Gentleman; he concurred that a greater amount of taxation was levied on the people than was required for good and efficient Government. He concurred that large sums were expended in supporting needless places, extravagant salaries and unnecessary works and establishments. The discussion of last night ought to have satisfied any hon. Gentleman on many of these points. The present establishments of the civil list were now maintained on the scale, pound for pound, which George IV. established, and that was the most extravagant establishment that could be; and those who knew what took place under the reign of that King, knew that extravagance was carried on in regard to his own person to the utmost extent. We had renewed and continued under William IV. and Victoria, the same charge in all these establishments. Let hon. Gentlemen refer to the Bills in detail, as laid before the Committee on the civil list of William IV., and they would see what ground there was for saying that there were needless places, extravagant salaries, and unnecessary works and establishments. If he extended his inquiry, he would find a vast number of cases where reduction might be made. We had at this moment a dead weight on this country, which was going on increasing almost daily; and until they had some revision of that, it was not enough to tell him that the Duke of Wellington's report in 1840 sanctioned extravagant proceedings in many branches of the Army. All the recommendations that would lessen the expense had not been carried out. We had now arrived at the point when the amount of our dead weight was five millions sterling. He found that when the present system of allowing retirement on half-pay commenced, the charge was trifling; and it showed how careful Government ought to be, that in getting out of one evil they did not fall into a greater. Perhaps the House was not aware that in 1810 a great effort was made to get rid of large sinecure offices. Mr. Bankes, the Member for Dorset, took the lead on that occasion, and the House and the country were so anxious to put down sinecures that then existed in the gift of Ministers, that they adopted a means by which officers in civil appointments should have a legal claim. That had gone on increasing. In 1810 the whole amount of charge was 94,550*l.* The law being adopted giving power to the officer in charge of the department, for a long time they included whom they thought fit. They took in whom they pleased, and the establishment of the civil list had increased by the control which the Treasury had over it. He found day by day individuals representing themselves as unfit for business, who were allowed to retire in perfect health to enjoy the full amount of their salaries, merely because they had served a given time. The civil department had gone on increasing; in 1816 it was 230,534*l.*; in 1820, 291,068*l.*; in 1824, 388,003*l.*; in 1826, 478,236*l.*; in 1827, 484,031*l.* The civil superannuation payable 31st December, 1848, was 644,747*l.*—itself almost amounting to the whole pay of the civil establishments at the time they were appointed. By a paper which was laid before the Committee of 1828, the half-pay, which was called Vansittart's dead weight, was 5,455,990*l.* We had reduced the amount of military half-pay, but others had increased. The half-pay list of the Navy was 840,000*l.* a year in 1828; at this moment, after a long peace, it was 774,000*l.* Was it possible to be otherwise when the Navy was made the means of pensioning off thousands of people, not for actual service, but because they were in service? A paper which would be laid on the table of the House would show these results. One admiral had served eighteen years on full pay from the date of his commission, and he had been thirty-three years on the half-pay list. Another admiral who entered the service in 1790, served ten years, and received half-pay forty-one years; another eight years and one month, and received half-pay forty-nine years; another nine years and ten months, and received half-pay forty-three years. Going down further, he found individuals who had served three years and two months receiving pensions for thirty-six years and seven months; another serving four years, and receiving a pension thirty-five years and eleven months. Was it possible that the country could stand such a state of things much longer? and yet they saw each brevet adding to the list of promotions, and consequently to the charge of the half-pay and pension lists. This, too, when there were actually six or seven relays of officers in every station. If the hon. Member had looked at the paper which he (Mr. Hume) had obtained and held in his hand, he would have seen the average of the half-pay list to be as follows. The average service of all the admirals, from their entry as midshipmen to their ultimate station as admirals, was—

	Full pay.					Half pay.			
	Yrs.	M.	W.	D.		Yrs.	M.	W.	D.
Admirals	16	7	2	1	...	39	2	1	5
Vice ditto......	13	6	3	5	...	41	5	1	5
Rear ditto	15	5	2	2	...	32	0	3	2
Retired ditto .	11	8	2	2	...	35	8	2	2
Retired Capts.	10	10	2	1	...	33	8	3	5

He could give examples still stronger, but he conceived he had shown enough to convince the House that the system, if allowed to progress, must eventually ruin the country. He came now to a most important point—that which was touched by the repeated declarations of the right hon. Gentleman the Chancellor of the Exchequer, and the noble Lord at the head of the Government—that the people of this country had been relieved from a great amount of taxation. He admitted that the arrangement of taxation was changed, the right hon. Baronet the Member for Tamworth having relieved productive industry to the extent of ten millions, and placed five upon property in the shape of the income tax; but the point which he wished the country to understand was, that the total amount of taxation had not been changed in the right direction. He would first take the expenditure:—

In 1837 it was	£51,319,113
1838	51,720,748
1839	53,440,287
1840	53,440,053
1841	54,465,318
1842	55,223,873
1843	55,501,739
1844	55,103,645
1845	53,873,062
1846	55,583,025
1847	59,230,413
1848	58,990,736

Now, that was what was called relieving the expenditure of the country! The greatest amount expended had been in the last two years; and even allowing the increase to the charge for the debt consequent on the Irish loan, the advance was enormous. Let them then look to the revenue side of the account. He held that there was a greater amount of taxes levied now than at any former period since the Peace, and within a million of the war taxation; for the greater part of the expenditure of the war was met by loans, which were now saddled in debt upon the people to the extent of 600,000,000*l.* Now, in answer to the right hon. Gentleman and the noble Lord, he would proceed to show what had been the average amount of revenue taken for average periods of five years each:—

From 1834 to 1838 inclusive, the average revenue was	£51,075,408
1839 to 1843	52,402,899
1844 to 1848	57,001,632

Was it not too much, in the face of such a statement, to be told that the country was taxed more lightly now than it had been formerly? He contended that it was not, and he had expected that the hon. Member for West Surrey would have introduced the question of direct taxation as a means by which reduction, or at least more equable distribution, might be effected. They were told by some persons that this country was richer than any other. If that were true, the money was in the hands of the great capitalists; and if they meant to keep up a high taxation, those were the persons to pay it: they must tax the property, not the poverty, of the country. Why should they levy in customs and excise 40,000,000*l.* on the labouring classes, who were less able to pay it now than ever? The labouring classes paid a much larger proportion of the 57,000,000*l.* raised in 1849, than they paid of the taxation of 1792. He admitted that these numbers had increased; but still, taking them as individuals, their proportion was much higher now than formerly. He contended, then, that the two great means of relieving the working classes of this country would be, first, to look fairly and strictly into our military establishments, in aid of which reform the colonies must be made to defend themselves; and, next, they must remodel the whole system of taxation. His reason for moving that the income tax should only be granted for one year, had been to procure a revision of taxation. On that occasion a revision was promised, but no revision had since taken place. That revision must come; for the country being just able to swim in time of peace, would be fearfully overburdened if any sudden warlike crisis should occur. With respect to the national debt, he much regretted that money had ever been borrowed on any other terms than terminable annuities; and therefore he agreed with the hon. Member for West Surrey, that some mode of adjustment was well worthy of consideration. But he would do nothing to damage the national credit, as he believed that in an artificial country like England, any such step would be followed by an incalculable amount of calamity. He should support the Motion of the hon. Member, as a step in the right direction.

Mr. MILNER GIBSON said, that when the hon. Member for Surrey invited the House to agree to a Motion made by him some days or weeks since on financial subjects, he (Mr. Gibson) was considered to be a little squeamish, and unwilling to agree to what appeared to many hon. Gentlemen to be a reasonable proposition, because he moved the previous question. He made that Motion then, and if the hon. Member had submitted a similar Motion on the present occasion, he should have taken a similar course, and for this reason — his first Motion was simply to come into Committee of the whole House, in order to do something which was shadowed forth in the hon. Member's speech. The Motion only asked for a Committee; and it was not to be supposed that he would go into Committee for objects shadowed forth in a speech to which he did not agree. He, therefore, could not have reasonably been expected to vote for the hon. Member's Motion. But here the hon. Member presented himself in a different guise, and asked for a distinct opinion as to whether there did exist a margin of expenditure which might be cut down, still continuing a good and efficient system of government. He merely asked them to leave on the Votes of the House of Commons a record to the effect, that, at the present time, the expenditure was larger than was necessary to carry on good and efficient government. Now, he (Mr. Gibson) must say, that if he was asked to give his deliberate opinion, aye or no, he must say decidedly that he thought there was a larger expenditure than was necessary for good and efficient government. Therefore, thinking, as he believed most men thought, that there must be a reduction of expenditure, he could have no objection to vote for the hon. Member's present Motion. It might not be desirable in the opinion of some to put abstract resolutions on that subject on the books. There might be some technical objections to that course; he had none; but there could be no objection on principle to it, so long as all were agreed that there must be reduction of expenditure. If he understood the right hon. Gentleman the Chancellor of the Exchequer, he had no objection to this Motion. The right hon. Gentleman said that Government was so anxious to carry out measures of economy, that they would make no objection to having this Motion placed on their proceedings. He (Mr. Gibson) was glad to hear that. He did not look upon a vote of this sort as a vote of censure on the Government. It was a vote of censure on the system, for which this particular Government was not responsible. But it was a vote by which that House would leave on record its solemn opinion that the time had come for looking into the expenditure of the country with a view to its reduction. He looked upon it as an instructional Motion — one, also, encouraging the Government to go on in their reductions. It would also provide his noble Friend at the head of the Government, when pressed by the different departments, the members of which hovered about the Treasury during the recess, to get as much as they could of the public money, with a most complete and sufficient answer to their appeals. What an answer it would be for his noble Friend if he were able to say, "Look at the resolution the House passed last Session. Look at what is in that resolution. How can you expect me, a Minister of the Crown, anxious to retain the confidence of the House of Commons, to increase the expenditure, when the House has solemnly resolved that it shall be reduced?" He repeated that it would arm Government against those men, who, when Parliament was prorogued, would commence their attacks upon the Executive, and, under pretence of increasing the efficiency of the Army and Navy, sought to increase the expenditure of the country. He was in this difficulty with his constituents when he defended the Government on the score of economy. He might say that great economy was going on; but then the people replied that they were paying the same amount of taxation. Nothing, in fact, could persuade them that economy was going on while they were required to pay the same amount to the taxgatherer. Until his friends enabled him to say that there was to be reduction of taxation, he feared that he could not make a good defence for them on the subject of economy. His hon. Friend the Member for Montrose had alluded to the civil list, which was a delicate question, and much misunderstood. A large portion of that list was appropriated to the payment of political officers with whom the Crown had little to do. Parliament had imposed upon the Crown the duty of disposing of the civil list in a particular way in certain public offices; and if his hon. Friend could show that these officers were not necessary, he would not be acting inconsistently with a desire to maintain the dignity and honour of the Crown, but merely acting on the principle upon which the Parliament had previously dealt with them in desiring that useless places should be abolished. If he could show that the present officers were not useful public officers, and that useful public servants might be paid out of the civil list instead of such officers as the Master of the Buckhounds, he would be in no way trenching on the constitutional principle. He (Mr. Gibson) was sure that every Gentleman in the House would be ready to affirm that they were needless places, extravagant salaries, and unnecessary public works going on. There was no man who could conscientiously say that, in the united kingdom, there existed at the present time no needless places, no extravagant salaries, no unnecessary works. Unless a man was prepared to make that solemn assertion, he could have no objection to vote for the Motion of the hon. Member for Surrey. As to needless places, he could mention one in a moment by which a saving of from 100,000*l*. to 150,000*l*. a year might be effected. He meant the Viceroyalty of Ireland, with its mockery of a Court in Dublin. He did not believe it was in accordance with the necessities of the times, that we should keep up a second Court and establishment in Dublin, the communication being now so rapid that the executive functions of Government could be carried on just as well in this country. He knew the great talent and ability, and had the highest respect for the character of the present Lord Lieutenant of Ireland. He was only speaking of the system; and he believed he was speaking the sentiments which were shared by great statesmen and many Members of that House when he advocated the abolition of the office. There was another great establishment which effected no practical good, and was a serious detriment to the trade of the country by creating misunderstandings with foreign Powers—he alluded to the slave-trade squadron. All these things justified him in supporting the Motion, and he felt that he should be stultifying himself if he felt any difficulty in supporting the present Motion. He believed that his hon. Friend the Member for the West Riding, in pressing on our attention the Army, Navy, and Ordnance, attacked the great causes of high taxation; but all useless expenditure, small or large, it was the duty of that House to get rid of. It seemed to him that our naval and military expenditure had gone on increasing as the likelihood of war diminished, and that since the Peace, instead of reducing the national debt, to which allusion had been made, we had spent nearly 600 millions, almost the whole of the debt, in preparations for war. He did not mean to say that some should not have been spent, but he believed that far less would have been sufficient to secure the safety of the united kingdom.

Colonel THOMPSON said, that if he might be permitted to state the points upon which he agreed with, and differed from, the hon. Gentleman the Member for West Surrey, with a view to giving his vote in support of the hon. Gentleman's Motion, he would say that the hon. Gentleman had one foot of iron upon which he might stand in defiance of all arguments against his Motion, and that was, that there was not a fair partition of taxation on the working classes. Now, if they looked to the taxation upon such an article as tobacco, they would find that by the manner in which that taxation was made, the working man paid eleven times as much as the rich consumer of that article. And when he heard the Chancellor of the Exchequer say there was a sort of balance in the case of the income-tax, he could not agree to it until he found that the rich man paid something like eleven times as much as the poor man. As to the policy of paying off the national debt, he thought they must some day have a friendly passage of arms. He could not understand how it was to be paid off except at the market value, and he feared that if it were paid off we should be told to-morrow, "Oh, you are a happy nation—you have no debt;" and the first thing we should do would be to get into debt again. He would also take that opportunity of saying that hon. Gentlemen ought not to be too hasty in forming an opinion in consequence of what was considered as the report of the African Committee. In the main, that report was the opinion of the Chairman; for generally there was an equal division of the Committee, and then the Chairman gave his casting vote. He (Colonel Thompson) hoped, therefore, that the report would go forth to the world as the opinion of the Chairman.

Lord R. GROSVENOR thought one thing was evident—that there was a great difference of opinion as to the remedy by which the evil complained of was to be met. To the resolution he thought there was no substantive objection; but the arguments in support of it ought to be borne in mind, or it might give a notion to the public out of doors that the present Government and others before them had been exceedingly remiss in endeavouring to reduce taxation—a charge which he thought could not be fairly made. The House would not fail to observe that the hon. Member for West Surrey and his right hon. Friend the Chancellor of the Exchequer agreed upon this subject. His right hon. Friend made no objection to a resolution pledging the Government or the country to a reduction of expenditure, and he himself thought a resolution might be prepared which would be unanimously agreed to by that House. He would therefore suggest a resolution to that effect. If the hon. Gentleman would not consent to adopt that alteration, he (Lord Grosvenor) would move it as an Amendment to the hon. Gentleman's Motion.

MR. DRUMMOND declined adopting the alteration proposed by the noble Lord.

Amendment proposed—

"To leave out from the words 'That whereas' to the end of the Question, in order to add the words, 'no greater amount of Taxation ought to be levied than is sufficient for the good and efficient government of the Empire; and whereas it is expedient that a searching inquiry should take place, whether some places may not have become useless, whether some salaries are not too large, and whether some works and establishments may not be unnecessary, it is the opinion of this House that a vigilant superintendence should be exercised over the expenditure of the Country in all its departments, in order that every reduction may be made therein which can be effected without detriment to the public service.'"

MR. ROEBUCK said, surely the House was not going to adopt such a resolution as was proposed by the noble Lord the Member for Middlesex, for it was the identical proposition that that House ought to do its duty—that whereas there were many needless places and so on, therefore the House ought to be vigilant in reducing the expenditure. Could the House understand a proposition of that sort? He could understand the proposition of the hon. Gentleman the Member for West Surrey, for that stated distinctly and categorically that the expenditure was too great; and he hoped the House would not for an instant pass over what was a real and substantive proposition, to accept one which was evidently put forward as a makeshift and excuse to escape from a plain-spoken and proper proposition. The Chancellor of the Exchequer had said that this was a sort of charge against the Government. He (Mr. Roebuck) accepted it in that meaning. He believed that it was and that it ought to be a charge against the Government; and he would ask any one who wished for a sort of historical recollection for the holydays to take the years 1815 and go to 1830, and to consider the proceedings of the Governments, the old Tory Governments of those days—Conservatives were not discovered at that time. In 1830 the House saw two remarkable events—a Government with an overflowing Exchequer, and the Whigs with a majority on a Motion for economy. The Duke of Wellington's Administration in 1830 was displaced; and it was a very remarkable event, as it bore upon an observation made by the hon. Member for Montrose that evening—it was displaced on a Motion made by Sir H. Parnell on the civil list of that day; and it was a curious circumstance connected with that vote and the subsequent proceedings of the Whig Administration, that although by that Motion they voted that the Government of that day was extravagant in a civil list of 900,000*l.*, having got a majority and turned out the Government, they within a few months brought in the same identical civil list with a diminution of only 5,000*l.*, and the only distinction was that part of it was made a permanent charge which before was granted only for the life of the Sovereign. That was the proceeding of a Whig Administration upon that occasion. Now, he did accuse the Government of extravagance; for from that year to the present they had been increasing the expenditure. At that time there was very nearly 3,000,000*l.* over the expenditure. That had never been seen during the Administration of the hon. Gentlemen who were now in possession of the Treasury bench; but, on the contrary, from that time every one of our institutions had been increasing in its extravagance. At that time the whole expenditure of the country was 49,000,000*l.* Last year it was 57,000,000*l.* And yet the Chancellor of the Exchequer considered this Motion as a charge against the Government. It was a charge against them. He understood it as a charge against them, and upon that ground he would vote for it. Could it be said that an ordinary private man, when he found his daily expenditure growing from year to year beyond his means of payment, did not look to his income and ask himself what he could do to meet the expense absolutely necessary for his concern? Was this country in a position to go on as it had of late years? It would not do at that time to tell them that the Government had been effecting savings, as some of their simple friends had been suggesting; on the contrary, the country felt that day after day, and year after year, the expenditure of the country had been increasing, and with obviously no necessity for any such increase. He knew it had often been said that Europe was in a dangerous state, and that a large expenditure was necessary for the purpose of warding off danger, and that therefore we must retain an immense war establishment. Now, what rational ground was there for any such assertion? He would take upon himself to say that never since England was a kingdom had she been in a situation of such perfect security as at the present moment. The main was to her a tower of strength; and even if any danger were to be apprehended from the hostility of Continental Powers, their present distractions were to this country a source of additional security. It was, therefore, an idle pretence, a purely fantastic idea, to talk of the dangers by which we were surrounded, as a pretence for augmenting the public expenditure. What had this country to do with the causes of distraction which disturbed the Continent? The business with which Parliament ought then to occupy itself was not foreign affairs, but the most effectual and judicious mode of cutting down the public expenditure. They had a very expensive amusement in the nautical evolutions of a gallant admiral who had formerly made some evolutions in that House. What was the use of having that gallant admiral with a large fleet wandering about the narrow seas and doing nothing, except sometimes going to Lisbon and firing off a little gunpowder? The people of England were really behaving like persons who knew not how to take care of their money; according to the old phrase, as if it were "burning a hole in their pockets;" as if they had not a sufficient pauper population to take care of. Then there was Ireland. They were obliged to pay her from day to day, and this with not the slightest show of economy, nor any the least opposition on the part of Members of that House. Private individuals were accustomed to cut down their expenses within the limits of their income, but the House of Commons never thought of anything half so prudent. The army of this country was such as had never before been maintained during peace. He said nothing of the army of India, because it was maintained abroad; neither did he say anything of the army maintained in Canada. If England dealt honestly with her colonies, she need not maintain any for their use. If representative governments were given to the whole of Australia from end to end, and given also to New Zealand—if they reformed their colonial governments—they might at once bring home their troops. As to Canada, if they could not keep it by the agency of a Parliament, they could not hope to maintain it by the force of an army. When this country was at war, it possessed an Army and a Navy sufficiently effective, and the expense of it was not great, unless when we thought proper to throw away money upon the Peninsula, and otherwise to waste treasure by subsidising foreign Powers. If a man were to pass the globe all over, he would find nothing but profound peace in all the British dominions; and if, in the midst of this perfect tranquillity, England were to pay 57,000,000*l.*, what would be her condition if she really went to war? The right hon. Member for Tamworth imposed upon the country the income tax; and when he (Mr. Roebuck) asserted that it would be a permanent impost, he was sneeringly told that it would be merely temporary. The right hon. Baronet, with the plausible smile for which he was distinguished, repeated that it would very soon be removed; and with the same smile, which seemed stereotyped on his countenance, he on a subsequent occasion said the tax would not be for ever. Would the present Chancellor of the Exchequer tell the House that the tax was a temporary impost? It was true the present Government had tried to increase the tax. With the true feeling of a Chancellor of the Exchequer, he considered it the easiest mode of imposing taxes, and he (Mr. Roebuck) considered it one of the best modes of doing so. But the Chancellor of the Exchequer was afraid to persist in that proposition, for he must have known that a large income tax would be the surest way to stimulate the vigilance of the House of Commons, as it would touch them and their constituents. But he repeated his disposition to favour direct taxation rather than any other. Upon these grounds he must vote for the Motion of the hon. Member for West Surrey, for it had become absolutely necessary to excite the vigilance of that House, and to rouse the Government, which lived on from day to day in constant terror of being outvoted. Nothing could be more untrue than that party was dead in that House. It was by accident he spoke from the place he now occupied (on the Opposition side). The least trifle would split the party in two. The Protectionists at one end of the bench, the remainder of the leading Oppositionists who sat at the other, were as distinct as positive and negative electricity. No Members could be more opposed to each other than those who sat above and below the gangway. The bench opposite to him was totally unlike the bench behind it, and the whole House was but as a nest of partisans. He really wished instead of all this that there was something like a strong Government established. For his part, he would willingly give up a popular for a strong Government. He should gladly support a Government that had vigour enough to carry out its own right intentions; but he could not give his support to those paltry hesitating fears, that feeling of shrinking from trouble, that self-deceit, which, like the wild ostrich in the bush, hid its head, and thought it concealed its body. If he could force out such a Government and force in a strong one, he would most willingly do so, and, therefore, he gave his cordial support to the Motion of the hon. Member for West Surrey.

Lord J. RUSSELL said: Those who at all consider the speech of my hon. Friend the Member for West Surrey, must admit that he did not mean to bring any charge against the present Government, for my hon. Friend had himself said so most distinctly. Then if there has been no charge conveyed in the Motion, and if it has not been accepted by my right hon. Friend the Chancellor of the Exchequer as a charge against the Government—if those, also, who this evening debated the question, were also agreed in not regarding it in the light of a censure, then I venture to think myself warranted in saying that no sort of censure has been intended. But nothing less would please the hon. and learned Member for Sheffield than to take the Motion in a sense totally different from that which the hon. Mover himself intended and plainly professed. That hon. and learned Gentleman would take it to be a censure, and insisted upon his right to take advantage of the opportunity which that Motion gave him, to speak of what he called the imbecility of the present Administration, and to express his earnest wish that a strong Government could be found. Now it would be difficult to imagine that the hon. and learned Member would regard anything as a strong Government unless it were to be an Administration consisting of himself and no one else; for, of course, he could not support those who differed from him, and there was scarcely any one who agreed with him. The hon. and learned Gentleman maintains his own opinions honestly and independently; but I believe that there is not any set of Gentlemen in this House who agree with the hon. and learned Member for Sheffield, so that he clearly could not be satisfied with any Government excepting one which should begin and end with himself. As to the Motion of my hon. Friend the Member for West Surrey, though it is not a censure on the Government, it nevertheless is one to which I cannot give my assent. My hon. Friend has spoken in his resolution as holding the opinion that in the present Session the policy and measures for which he contends ought to have been carried; and that, I apprehend, is not so much a censure on the present Government as it is a condemnation of the House itself. It condemns the manner in which the votes of this House have been given, and the way in which its proceedings have been conducted—for it asserts that after six months of deliberation, the House has in the present Session not performed its duty; and, again, after six months of deliberation, my hon. Friend having put off his Motion until this present evening, now comes forward to say that 500 Members of this House who have voted upon the questions brought before them, and the greater part of whom are now out of town, have, during the whole of the Session been misapplying the powers with which their constituents intrusted them. It cannot fail to appear very extraordinary that my hon. Friend should now bring forward this accusation against the whole House, not only when a very large proportion of them, probably 500 Members, but also at a time when some of the ablest debaters in Parliament, were absent. Are we not, then, driven to the conclusion that he takes advantage of the thinness of the House at the end of the Session to bring forward a Motion which he could not hope to propose with equal success at any other period of the year? It is at this time and under these circumstances that he brings his Motion before the House. Assuming, then, for a moment that my hon. Friend could carry his resolution, I cannot suppose that such a decision could come before the country with any weight, seeing that at best it would only express the sense of a very small number of the Members of this House. But even in the existing condition of the House, the Motion, in its present state, is hardly one which we could adopt; nevertheless, it is one which the hon. and learned Member for Sheffield says he will support, though he seems to justify his vote upon rather extraordinary grounds. He says that Sir H. Parnell moved a resolution in 1830, which Lord Althorp, in 1831, did not practically carry out. Now, supposing the statement of the hon. and learned Member for Sheffield to have been well founded with respect to both, I do not see how that ought to induce this House to come to a vote of censure on the present Government. The fact is, however, that the points to which the hon. and learned Member for Sheffield referred, were not argued in 1830 and 1831, as he represented them to have been. The leading Whigs of that period, Lord Brougham and others, objected to certain expenses being included in the civil list, which in all previous times had formed part of that branch of the public expenditure. They objected to apparent additions being made to the household and personal expenses of the Sovereign, which properly did not belong either to the one or the other. They argued the question on two grounds—one was that all charges on the civil list should, according to the previous arrangement, expire with the life of the Sovereign—the other was, that means should be taken to do away with the influence of the unfounded assertion that 900,000*l.*, to which the charges on the civil list amounted, was a sum which the actual expenses of the Crown required—whereas the personal expenses of the Sovereign and the dignity of the Crown could be and were maintained at less than half that amount of expenditure. That was the light in which the subject had been regarded by the Whigs of that period; and the House of Commons, engaging in an inquiry on that subject, referred the question to a Select Committee, with power to send for persons, papers, and records. Upon the appointment of that Committee, the Wellington Administration resigned their offices. But, even on the hon. and learned Member for Sheffield's own showing, there is no reason why the present vote should be agreed to by the House, and there certainly is less reason for it when the history of those transactions comes to be explained. Accordingly, the civil list was, at the period to which I have been referring, so settled as that during the reign of William IV. the amount was considerably less than in the preceding reign. At the commencement of the present reign it was still further reduced, and therefore the events connected with the accession of the Whigs to power, and the resignation of their predecessors, in 1830, ought not to induce the House to assent to the Motion of my hon. Friend the Member for Surrey. As to the grounds that have been laid for that Motion, I cannot agree to the doctrine put forward by my hon. Friend the Member for Montrose, who repeats what he has often before stated as his settled conviction, that if the gross amount of the taxes be not lowered, the people of this country can have experienced no relief. [Mr. Hume said that relief had not been given to the people by lowering the whole amount of taxes that they paid.] But if there were any value in that argument, it was this, that taking off taxes did not give the people any relief. It has never been maintained by us, that taking off taxes eventually diminished the gross amount of taxation to an equal amount; but I hope the House will do us the justice to remember that we did not merely change taxes—that is not all that has been done, for every one must recollect that Parliament took off more taxes than were imposed; and further, there were other cases—there were cases of total abolition. Surely it will not be said that by such measures the people were not relieved, even though the revenue might still remain at the same amount. Now I cannot help reminding hon. Members of some of the changes that have been effected. On salt there has been a reduction to the amount of 3,000,000*l.* It once bore a price of 15*s.* a bushel; and I now learn from a person very largely engaged in that trade, that he can now purchase it for 6*d.* a bushel instead of 15*s.* This is taking off duty to the amount of 3,000 per cent. If, then, when 3,000,000*l.* were taken off, the revenue in a short time rose to its original height, it was not owing to the unaltered nature of the taxation, but in consequence of the riches of the country. The people had been relieved to a great extent, but in a short time the gross revenue regained its previous position. The tax on sugar has also been reduced from 3*d.* a pound to 1½*d.* The poor man can now have it for 4½*d.*; surely that is a relief, and if, notwithstanding that he paid

4½*d.*, the wealth of the country still continues to be such that the whole revenue remains of the same amount as before, that fact surely affords no proof that the people had not at that time been relieved, or that their burdens still remained equal to what they had previously been. I cannot understand how the hon. Member goes on repeating that the taxes are just the same as before, merely because the total amount of the revenue remains unchanged. On the contrary, I do believe that the largest amount of taxation which the country has paid, is but proof of its riches and prosperity—that it was better off than before; and there can be no doubt that the American and the French wars, which added so largely to our public debt, have but afforded proofs of the great resources of the country ever since peace has been re-established. The taxes on salt, the taxes on candles, the taxes on leather, the taxes on coals carried coastwise, have been removed. There has been a diminution of the taxes on sugar and beer—all these are matters which the poor man consumes, and which paid heavy duties before we undertook those unfortunate and mistaken wars with America and France. But, Sir, having taken off these taxes, and having taken them off consistently with maintaining a considerable military establishment—some say much too large a military establishment — and consistently with the credit of the country, the hon. Member for West Surrey asks us to adopt some scheme by which we may be relieved from what he rightly considers the great burden of the country, namely, the sum of upwards of 28,000,000*l.* annually, which we pay as the interest of our national debt. Now, I own that while I think the wars I have mentioned were unnecessary, while I think we never ought to have entered into a war with our people in America, and while I think it was quite unnecessary to go to war with the French when they established a republic, and that prudent conduct would have saved us from those wars—I say the nation is now bound by faith, and by a regard to policy if not to honesty, to pay the interest of the debt it has incurred. Well, if that be the case, I own I do not believe there is any contrivance—any sort of hocus pocus—by which, if you are to pay the interest of the debt, and to be liable to that debt, you can get rid of the burden of it. Any scheme to raise an amount of taxation to pay off that debt, would either produce such an immense amount of taxation as the country would not tolerate, or, after two or three shifts, you would find you had exactly the same burden to bear as was the case before. There is only one way of dealing with this debt, and that is regularly to pay the interest of it. If you have a surplus, employ that surplus to a moderate amount, if you please, in paying off some of your debt; but I believe that we made a useful change when we abolished the sinking fund, which would never have materially diminished the capital of our debt, in order to enable us to take off taxes by the removal of which the country has become much richer, and is much better able to bear the interest of the debt than if those taxes had been retained. But, admitting that the debt must remain, and that there is no ingenious contrivance by which we can get rid of the burden, if we maintain the public faith, we are told by the hon. and learned Member for Sheffield that the Army is a great deal too large, and that it ought to be considerably reduced. I must say with respect to the Army maintained in the united kingdom and its colonies, that we have this year reduced it by no less than 10,000 men. I certainly consider that such a reduction made in one year is a very considerable reduction. The hon. and learned Member for Sheffield has said—following others who have frequently made the same assertion, though I never heard anything advanced in proof of it—that if we did but govern our colonies well, and give them representative institutions, we should have no need of our Army. Why, these hon. Gentlemen suppose that our Army is maintained for the purpose of keeping down the people of the colonies. Then, why not reduce the number of troops at Portsmouth and Plymouth? But we do not keep troops at Portsmouth and Plymouth because the people of those towns are disaffected, and we wish to restrain them by military force. We keep troops at Portsmouth and Plymouth to defend those places, because we consider their defence to be essential to the safety of the country; and on the same ground we have troops in Bermuda and other possessions, to defend those colonies. In some instances, no doubt, when there are dissensions in our colonies, those dissensions might break out into disturbances, and the troops are of use for maintaining the peace in the case of any such disturbances. The hon. and learned Member for Sheffield has said that if we gave representative institutions to the colonies, we might diminish our Army; but it is remarkable that the Governor of New Zealand entertains the opinion that with representative institutions there would be much more danger of disturbance among the natives of that colony than there is at the present time. I have always maintained that we ought, as far as possible, to establish representative institutions in our colonies; and the only question is with regard to particular colonies, whether they can or cannot bear representative institutions. Now, with regard to the question of salaries and offices, if a resolution were submitted to the House like that which my noble Friend the Member for Middlesex has proposed, which only implies that salaries ought to be reduced, and that offices ought to be abolished, whenever there is a reason for taking such a course, I think—the Government being disposed to act upon that principle—that I could have no objection to the House affirming such a principle. But I conceive that we are not at all liable to the charge of wishing to keep up offices when they are unnecessary. I do not think any proposal was ever made in this House to reduce the number of the Commissioners of Stamps and Taxes and of the Excise; and yet the appointment of those commissioners was, in the way of patronage, about the most desirable patronage any Minister could possess. Now, what have we done? We had no pressure upon that subject; but we reduced the number of Commissioners of Stamps and Taxes and Excise from twelve to seven, abolishing five commissioners, and of course parting with a great deal of the patronage which belonged especially to the First Lord of the Treasury. That, I say, is some proof that we are not indisposed to measures of economy and reduction. Then, with regard to Masters in Chancery, last year one of those offices became vacant. I asked the Lord Chancellor whether it was necessary that it should be filled up. He said it was not necessary. No Motion was made in this House on the subject; but we abolished that Mastership in Chancery, and I thereby parted with the patronage of the appointment. So with respect to several offices in the Treasury for the transaction of business connected with payments, in cases with which my right hon. Friend the Chancellor of the Exchequer is acquainted, we introduced regulations by which those offices have been abolished as they fell vacant, or have been united with other offices in the Treasury. I say, then, that I can have no objection to any general resolution with respect to these offices. The hon. Member for Montrose has said that our expenses have been increasing. It is certainly true, with regard to the year 1847 and the beginning of 1848, that there was an increase of expenditure; but the great increase of expense was in the estimates of 1845, which were very fully explained to this House, and which the House affirmed. It was explained to the House that an increase was proposed in the Navy for the purpose of defence; and the House—I think without any opposition—affirmed the necessity of that increase. I believe there was nothing beyond a very insignificant opposition to that proposal. At present there is a contrary disposition; and the House of Commons now calls upon the Government to make reductions in the estimates. Well, at the end of last Session, and in the course of the present Session, we have made very considerable reductions. The reductions stated in the budget of 1848-49 were 828,000*l.* In the estimates of 1849-50 the reductions were to the amount of 1,511,455*l.*, and there has been a further reduction in the Ordnance Estimates, making a total of 2,361,824*l.* But while we have been making these reductions, we are constantly told that we are always increasing our expenditure. It is said, almost every night, "You may require as many troops as you have had, but why should you be constantly increasing them?" My answer is, that we are not increasing, but in the progress of reducing the number; and I therefore consider that it would not be wise on the part of this House to come to a general resolution, which is proposed, not as a vote of censure upon the Government, but which would be a vote of censure passed by the Members present upon the Members absent. I own that in that view I do not think it would be either a very wise or very fair course of proceeding. I think we should rather adopt some resolution which would convey the general sense of the House when the House is full, and that, with regard to the carrying out of such a resolution, we should reserve our decision until further estimates are laid before us. The right hon. Member for Manchester has told us that the people say, "You tell us you are making great reductions, but how is taxation lessened?" That right hon. Gentleman might reply, "If you go into the market you will find that prices are reduced in 1849 very much below what they were in 1841, and this reduction is owing in many instances to the abolition or reduction of duties either under the Government of the right hon. Member for Tamworth, or under that of the present Ministry." I trust that if the House comes to any resolution they will rather adopt the Motion of the noble Lord the Member for Middlesex, for I think it would be unwise to pass a resolution in such sweeping terms as that of the hon. Member for West Surrey, which cannot lead to any practical result.

Mr. SPOONER said, he had attended to what had fallen from the noble Lord at the head of the Government, but he was at a loss to know how he intended to meet the Motion of the hon. Member for West Surrey. They had had many matters introduced into the present discussion which were altogether extraneous as regarded the speech of that hon. Gentleman; but in a few words which he (Mr. Spooner) desired to address to the House, he would endeavour to confine himself to the proposition which he had made. In the resolution the hon. Gentleman had moved—there were two propositions—one enunciating that there were overpaid salaries and needless offices, and one that the taxation of the country bore unfairly on its income. And how did the noble Lord meet that resolution? Let the noble Lord meet it with a direct negative—let that House say that there were too heavily paid salaries and too many offices—and let them know who thought that such was the case, and who did not. Instead of taking that course, however, the noble Lord recommended the House to adopt the Amendment of the noble Lord the Member for Middlesex, who said that these things might exist, whilst the resolution of his hon. Friend the Member for West Surrey asserted that they did. The noble Lord had said that the adoption of his hon. Friend's resolution would be the adoption of a vote of censure on the absent Members by those that were present; but did not the same argument apply to the proposition of the noble Lord the Member for Middlesex? Why did not the noble Lord put the House to the test as to whether there were too heavy salaries or unnecessary offices, and not meet the question by a side wind, instead of by a direct negative? They had taken off the customs duties, and suffered the produce of foreign articles to come into this country and enjoy the benefit of our own market, without contributing anything towards our taxation; and that was the real reason why the taxation of the country pressed so heavily upon the nation. Taxation entered into the cost of production of every article produced in this country—and, if so, on what principle of justice could they admit the produce of other countries into this duty free, which did not contribute towards such taxation? They had taken away the means of profitable employment of the capital of the country, and had reduced the wages of labour. They must, then, retrace their steps, and lay upon every article that came into this country from others a tax equivalent to the amount of taxation that entered into the cost of the production of the native article. Those who had fixed salaries and incomes, those were the persons who had been benefited by their late legislation; but on every productive class in this country—on every industrious class—they had inflicted a lasting injury. With these views and opinions, he was unable to support the Motion of the hon. Member for West Surrey, nor could he tell on what ground either they were to vote for the Amendment of the noble Lord the Member for Middlesex, which was a complete evasion of the question before the House, and one which if he had not known the high honour and upright conduct in public life of the noble Lord at the head of the Government, he should almost have been disposed to have said he had, by some means or other prevailed upon the noble Lord the Member for Middlesex to propose. What he (Mr. Spooner) asked for was, a plain answer "aye" or "no," to the question whether there were salaries unnecessarily heavy, and places needlessly numerous, and that question ought to be met in a manly way by a direct negative, and not in the evasive manner involved in the Amendment of the noble Lord the Member for Middlesex.

Mr. CHRISTOPHER wished to explain the grounds on which he intended to vote for the Motion of his hon. Friend the Member for West Surrey. The Chancellor of the Exchequer had stated, in reply to the arguments of that hon. Gentleman on the subject of salaries, that official salaries were in the aggregate less now than they were at the end of the American war; but he wished to know whether —with reference to the prices of articles of consumption, these salaries were not much higher now than they were ten years ago? Considering that the policy of the last and the present Governments had been to make all articles of consumption cheap and money dear, it did not require any long argument to prove that persons receiving official salaries were benefited by those changes. That was a sufficient reason for the House to interfere and to reduce their salaries in accordance with the existing state of things in the country. The Amendment proposed evaded the question altogether. It asked the Government to exercise a supervision over the expenditure; but as the Government professed to do so already, any resolution of that kind was not wanted. What was required was for the House to come to a resolution that under the altered circumstances of the country, brought on by recent legislation, it would not sanction the same salaries as were given during a different state of things.

MR. HAWES wished to correct a statement made by the hon. Member for West Surrey. He understood the hon. Member to state that certain reductions were proposed by the Governor of Trinidad —which the noble Lord at the head of the Colonial Department refused to sanction. The hon. Member was in error, for no reductions had been proposed by the Governor of Trinidad which did not meet in principle, though in regard to the extent there might be some question, with the sanction of the noble Earl; and he could assure the hon. Member that, as far as the noble Earl was concerned, whenever well-considered reductions were proposed, they would not meet with opposition.

MR. BANKES expressed his surprise that the noble Lord the Member for Middlesex should have brought forward his Amendment without giving notice of it. Having heard the speech of the Chancellor of the Exchequer, he undoubtedly understood that the Government meant to offer no opposition to the Motion; and having been absent from the House for some short space of time, he was astonished on his return to find an Amendment moved by the noble Lord the Member for Middlesex. That Amendment gave an opportunity to hon. Members of slipping through the question; but as he was not prepared for any evasion of the question, he should give his vote for the original Motion. The time had come, he thought, when Parliament was called on to give an aye or no decision on the question whether under the existing circumstances of the country a searching inquiry and economy, with respect to these matters, was not required. He should be heartily sorry, if the Government had no serious objection to the Motion, that they should at the present moment endeavour to get rid of it by a side wind, for such was the character of the present Amendment.

MR. DRUMMOND, in reply, observed that there was no intention on his part to misrepresent the conduct of Earl Grey, but he thought that what had fallen from the Under Secretary for the Colonies made more strongly for his argument. It was unjust of the noble Lord at the head of the Government to say that he had taken advantage of the absence of Members to bring forward the question, for the fact was that he had urged the matter on the attention of the House last Session, and twice during the present. With regard to the national debt, it had been said that that was an advantage to the public, though, if the same rule were applied to the nation as to individuals, it would not be so considered, for it was always thought to be an advantage to gentlemen having mortgages on their estates to pay them off. In conclusion, he declared that he did not bring the Motion forward as a censure on the Government, and he believed that no Gentleman on either side of the House, with one exception, thought it had that tendency, either directly or indirectly.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 71; Noes 68: Majority 3.

List of the AYES.

Alcock, T.
Bankes, G.
Bass, M. T.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bright, J.
Brocklehurst, J.
Burrell, Sir C. M.
Chaplin, W. J.
Christopher, R. A.
Cobden, R.
Coles, H. B.
Dick, Q.
Dickson, S.
Duncan, G.
Du Pre, C. G.
Ewart, W.
Fagan, W.
Fergus, J.
Fordyce, A. D.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Gibson, rt. hon. T. M.
Gooch, E. S.
Gwyn, H.
Hastie, A.
Heathcoat, J.
Henley, J. W.
Henry, A.
Heyworth, L.
Hindley, C.
Hodgson, W. N.
Hollond, R.
Hood, Sir A.
Horsman, E.
Jolliffe, Sir W. G. H.
Kershaw, J.
Lennard, T. B.
Locke, J.
Lockhart, A. E.

Meagher, T.
Moore, G. H.
Mowatt, F.
Noel, hon. G. J.
Nugent, Sir P.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Perfect, R.
Pigott, F.
Pilkington, J.
Portal, M.
Rendlesham, Lord
Roebuck, J. A.
Rufford, F.
Rushout, Capt.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Spooner, R.
Stuart, Lord D.
Thompson, Col.
Thompson, G.
Tollemache, J.
Walmsley, Sir J.
Wawn, J. T.
Wood, W. P.
Wyld, J.

TELLERS.

Drummond, H.
Hume, J.

Main Question put and agreed to.

OUTRAGES, CASTLEWELLAN.

Mr. MOORE rose to call the attention of the House, and he trusted also that of the Government, to an occurrence of a very extraordinary nature which had recently taken place in the north of Ireland—an occurrence which he thought ought to engage serious attention, not only on account of the violence committed and the blood shed, but on account of other circumstances which had stained the transaction, and which could only be considered as endangering the peace, the loyalty, and the affection of the people in that country. It would be unnecessary to remind the House of the fact, that the very wise and proper enactment passed for the discontinuance of those abominable nuisances and fanatical follies called the processions of the 12th July in the north of Ireland, expired in the year 1845; or that the Government, regardless of the entreaties of wiser and more considerate gentlemen in Ireland, had neglected to renew the Act. He did not blame the Government for the omission, as he believed they had abstained from bringing forward such a measure in the spirit of generous reliance on the good feelings, discretion, and right principles of the gentlemen of the north of Ireland, and in the belief that it would be almost an insult to the pride, principles, and honour of those gentlemen, to suppose it possible that, in the midst of mutual afflictions, they would seize the moment to stir up the embers of forgotten feuds, and inflame a prostrate but still chivalrous people, by the display of the banners of religious ascendancy. But the Government little knew the hearts, the souls, the brains of the Orangemen of the north of Ireland, who were about to seize that opportunity for obtaining a paltry and disreputable triumph over their opponents. That particular 12th of July, following three consecutive years of distress and misfortune, was the fitting period chosen by these parties for sacrificing to that Moloch of religious ascendancy which had bowed down the energies of the people of Ireland for three centuries, and it was resolved that the 12th of July should be celebrated with signs of more of ordinary splendour, or, in other words, with more of ordinary insult than usual, to the feelings of the majority of the inhabitants. It was easy to conceive the exasperation which such a proceeding would at such a time cause in the minds of an excitable people. On the one hand, the population of Ulster felt the triumph of conscious security; on the other was perceivable the patience of despair. Had the bigoted blockheads been satisfied with the scenes of a former triumph, it was possible that the galas of this year might have passed off with less of opposition and strife than usual; but their folly and rashness went one step farther, and those deplorable and bloody scenes ensued which he was now about to bring under the notice of the House. In the neighbourhood of Castlewellan was a place, or defile, called Dolly's Brae. This spot, as the seat of the fanatical feuds of the neighbourhood, had been invested with a conventional importance, and it was perfectly understood by both sides that an Orange procession to pass over that brae amounted to a defiance and challenge to the opposite faction. For many years the defile had not been passed. Last year, he understood, the question had been mooted in the Orange lodges in the neighbourhood, whether the attempt should be again made or not. It was apprehended, however, by the people on the other side, that such attempt would be made; and when the occasion came round, large bodies of armed peasantry collected, to prevent the supposed object being carried into effect. The attempt of last year was in consequence of such preparations laid aside; but this year it was advised, not by infatuated persons on either side, but by gentlemen, magistrates of the county, and men of station and education in the county, that this pass should be attempted, and that large masses of armed peasantry should be brought into collision with the opposite party. But they took a further step. They appeared to have had sufficient influence with the Government to obtain from them large bodies of military and police to aid them in this extraordinary project. They procured a company of the 9th

Foot, a troop of the 13th Light Dragoons, a troop of the Enniskillen Dragoons, and a strong body of constabulary and police, to enable them to take a devious and bad road for the purpose of coming in conflict with the peasantry in the neighbourhood of the brae. What misrepresentations had been made to the Government he could not say; but he felt sure that, had they been aware of the object of these foolish men, and the factious quarrels they were abetting, they would have proceeded in a totally different manner. Well, Major Williamson, accompanied by Captain Skinner, and other magistrates, arrived on the spot. On reaching Dolly's Brae they found the place unoccupied. They took possession of it, and so disposed their forces as to establish a defence of the place. Soon after they had made these dispositions they saw a large number of men armed with muskets, scythes, and other weapons, and at first numbering between 300 and 400, but afterwards increasing in numbers. The latter took up their position on the right of the entrance. So that here were assembled numbers of people in arms, prepared to wage a battle worthy of only the most barbarous ages—the troops not interfering, but remaining inactive to see the battle fought out. Some time after (said Major Wilkinson) two Roman Catholic priests made their appearance, who said that their influence was insufficient to prevent the impending collision. They prevailed, however, upon the peasantry to agree not to attack, and the procession passed without molestation. One would have supposed that this would have presented an opportunity for the intercession and mediation of the authorities, and that the magistrates would have prevented the disgrace of another hostile collision; and yet the commanding officer declared, that although the magistrates were aware that the Orangemen were returning, and that they saw the people throwing up intrenchments, and practising shot firing, in order that they might be prepared to receive them; he was not aware of a single effort being made by himself, by the constabulary, or by the magistrates, in the slightest way to prevent the awful collision which took place. On their return, the procession went to Tullymore Park, the seat of the Earl of Roden. Now, he should be sorry to speak disrespectfully of that nobleman. He was not ignorant of his private character and virtues; but he should be guilty of a breach of common sense and good feeling if he attempted to speak of his conduct on this occasion. Weak men like Lord Roden were more dangerous than vicious; their private virtues were confounded with their public ones; but beneath the shade of those virtues bad men and bad bigots succeeded in working out their unholy ends. According to the account of the proceeding in the *Evening Mail*, it would appear that his Lordship, in the full insignia of his office, rode out on horseback to meet between five and six thousand Orangemen. Whether it was the insignia with which he had been invested by his Sovereign, or the jack-pudding insignia of his Orange friends, he did not know; but in this manner Lord Roden, accompanied by the grand master and various district officers, headed the party to a large field, where a platform was erected. Here the party partook abundantly of refreshment, which, after a long and thirsty march, was not unacceptable. The refreshment over, at the sound of a trumpet the party assembled round the platform, and his Lordship addressed them. He (Mr. Moore) was bound to admit that there was nothing in that address, as reported in the newspapers, which might not be expected from his Lordship's known virtues. It breathed nothing but goodwill and kindness. It prohibited anything like a collision, recommended as a guide for their conduct that sacred volume which certainly did not sanction such a proceeding as that at Dolly's Brae. But first to give them entertainment, and then, amidst the sounds of drums and trumpets, to attempt to restrain their angry passions by such twaddle as that addressed to them, was absurd. His Lordship excused himself from attending the inquest on the victims of this proceeding on the score of illness; but he (Mr. Moore) sincerely trusted that for the future his Lordship would refuse to lend the sanction of his name to men who had brought shame on his grey hairs. Well, the party left the park and approached the fatal pass. The officer in command stated that he never doubted that a collision would take place when the two armed bodies met. A collision, which nothing but a special interposition of Providence could have averted under the circumstances, did actually take place. The officer in command said the first shot was fired, in his opinion, by the Orangemen; but it mattered little who it was that fired first, for the men who were really guilty of all the bloodshed that ensued were those who brought the parties into collision, and did not interfere to prevent it, and not the unfortunate fanatic who fired the first shot. But whoever it was who fired first, the firing was immediately returned by the other side, and soon became general. As for Her Majesty's forces, they appeared to have considered it "a very pretty quarrel as it stood;" and they did the only thing they could have done in such a case, namely, nothing at all. It was difficult to understand what two or three companies of the military could do where there were three or four thousand men in conflict armed with muskets. They had no choice but to fire indiscriminately upon both parties or upon neither; and they very wisely adopted the latter course. The police, however, acted differently, for the instant the word was given, like greyhounds from the slip, they became most furious partisans; and as for their conduct, it had been highly eulogised by the Orange journals, and they had been called heroes and destroyers of the rebels by the local prints. The commanding officer said they pursued the Ribbonmen up-hill; and the united forces of the police and the Orangemen, in this disgraceful pursuit, succeeded in beating out the brains of several, and in killing others by wounding them in the chest with the butt end of their muskets. They also captured some thirty or forty of the opposite party. And here he must notice one most extraordinary feature. The Orangemen and police having captured these men under the direction of the magistrates who had led them on, the prisoners were brought before these very magistrates, who received the testimony of policemen and other witnesses, and absolutely committed the prisoners to gaol, and scarcely a man who heard the evidence but thought that the witnesses and the accused ought to be sent to gaol side by side. But the most horrible feature of the transaction had yet to be told, if, indeed, any one feature could be more disgraceful than another where all was disgraceful to humanity and to civilisation, to say nothing of Christianity. The Orangemen, finding no more to pursue, fired the village. The *Evening Mail*, an Orange paper, described what the commanding officer said, who appeared to have been standing still, enjoying what was going on. He said that on his advance he saw several houses on fire. He was engaged looking after the Ribbon party, and it struck him that the houses were fired by some stragglers from the Orange party who had broken off from the main body. The account stated that one man was killed by a bayonet wound in the groin, another by a shot in the chest; twelve were taken to the dispensary, four being mortally wounded, and one of them a woman. All the persons wounded were on the Catholic side. A case more deplorable in all its details had seldom happened in that country. When they looked at the whole proceeding from the beginning to the end, on whatever feature of the dreadful catastrophe they cast their eyes, it was hard to say which of the actors engaged were most to blame, and which of the acts were the most disgraceful. To investigate the matter thoroughly, it would be necessary to inquire who were the parties who originated the intention of passing through Dolly's Brae; for that was not the proper route; and the commanding officer himself said that the Orangemen must surely have been very fond of bad roads, when they preferred them to a good and straight one that would have equally answered their purpose. The inquiry must go into these facts—into what led to the procession to Dolly's Brae, and into what were the representations under which the Government sent a large number of troops to support the party who committed the aggression. It must go into the conduct of the Orange lodges in the neighbourhood of the transaction; and, above all, it must take into consideration the conduct of the local gentry and the local magistrates, what was their knowledge of the state of things existing in the neighbourhood before the procession, and of the collision that was about to take place; and what were the measures, if any, which they took to prevent it. The conduct of the military and police, also, must be taken into consideration; and if it should be found in the end that these disastrous occurrences led to the suppression of the abominable, wicked, and outrageous system that had so long disgraced and afflicted Ireland, the blood that had been shed on the 12th of July would prove not to have been shed in vain.

Motion made, and Question proposed—

> "That there be laid before this House, a Copy of any information which may have been received by the Government relating to the Outrages lately committed in the neighbourhood of Castlewellan."

Mr. REYNOLDS seconded the Motion.

Sir W. SOMERVILLE hoped that if he did not attempt to answer in detail the speech of his hon. Friend the Member for Mayo, his forbearance would not be attributed to any indifference to the facts of the case; for, equally with his hon. Friend, he felt the deepest regret at the melancholy occurrence which he had thought it his duty to bring under the consideration of the House. He thought, at the same time, that his hon. Friend, in some of his remarks, had borne rather hard upon the proceedings of the Government. His hon. Friend had asked why it was that troops were assembled upon the occasion alluded to for the purpose of protecting one party rather than another?

MR. MOORE said, that was a mistake. What he said was, that he was quite sure misrepresentations must have been used to induce Government to send troops on that occasion.

SIR W. SOMERVILLE said, that Dolly's Brae was not far distant from a place called "Crossgar," where a certain occurrence took place not long ago to which he would not more particularly allude; and the Government, in sending troops to Dolly's Brae, were actuated by a desire to prevent, if possible, a repetition of that occurrence. Now, the occurrence at Dolly's Brae was of a very recent date: they hardly knew at the present moment the real state of the case. As he had already said, he would forbear on the present occasion to go into details respecting it; but this he would say, that the present most melancholy and unfortunate occurrence presented to the consideration of the House, the country, and the world, a state of society that was most lamentable to think of. The hon. Gentleman had asked why the Government had not proposed the renewal of the Act to prevent such processions. He (Sir W. Somerville) confessed that he had hoped that the time had arrived when the common sense of all parties would have rendered such a renewal unnecessary, seeing that such processions at no time did any good, while, as on the present occasion, they often did great mischief. He had hoped that the state of public feeling in general, and the increase, if he might so say, of a more kindly disposition of one class toward another, would have permitted the Government to postpone, at all events, the consideration of the proposal to introduce an Act to prevent such processions. He deeply regretted that in this case the Government and the country had been disappointed. Having said thus much, he would only add, that the Government were ready to institute the most rigid inquiry into every particular of the unfortunate occurrence.

CAPTAIN JONES wished also to express the deep regret he felt at this unfortunate occurrence, which equalled that of the hon. Member for Mayo, and he would show that he felt it by not imitating the hon. Gentleman, who had used very harsh and opprobrious terms, speaking of the jack-pudding insignia of the Orangemen, and making use of the terms bigots and fools. He would take no notice of these words, and regretted they had been used. He would say for himself that he was one of those who had represented to the Government the necessity of preventing those processions, and he was anxious to see not only Orange processions, but every other sort, prohibited. The hon. Gentleman seemed to imagine that Lord Roden had invited these men to his park at Tullymore. He had seen, under Lord Roden's hand, that such was not the fact. He complained of the hon. Gentleman using the term bigot with regard to Lord Roden.

MR. MOORE explained. What he had said was, that under the shadow of Lord Roden's name, bigots and bad men were pursuing their own objects.

MR. BRIGHT said, that if the hon. Member for Mayo had let fall some warm expressions, he might be readily excused for having done so. He was very glad the hon. Member had brought the matter before the House. Had he not done so, he (Mr. Bright) should have felt it his duty to have asked the Government to what extent an inquiry had been instituted into the origin of this most shocking occurrence. The present was the most atrocious proceeding that had taken place in Ireland for many years past. There was not a single feature in the whole transaction that did not cause equal regret and blame. The hon. and gallant Member for the county of Londonderry knew more of Lord Roden than he could pretend to do; but certainly, according to the evidence in the papers, that nobleman was very greatly to blame. He knew not how thousands of persons could enter a field adjoining Lord Roden's park and find refreshments prepared for them, without having been invited to do so, and indeed expected there by the owner. The Government had been blamed for not having brought in an Act for prohibiting processions in Ireland. Yet the Government was right. They hoped that the tone which Ireland had assumed rendered such a measure no longer necessary. But he should like to know whether the law in Ireland sanctioned the going about in processions of thousands of persons, all of whom, save the women and the drummers, were armed to the teeth. Such processions would be illegal in England. It was only last year that the Government very properly prevented a procession from passing through the city, because by so doing disturbances were likely to be caused. He must ask the Government to explain why the military and police accompanied the Orange procession. [An Hon. MEMBER: No, no!] The evidence he had read said they did, from morning until evening. It was clear the provocation was given by the Orange party. [An Hon. MEMBER: No, no!] That such was the case the evidence proved. The first shot was fired by an Orangeman. And it was also stated, that a further fray had begun. The police regarded the Catholics alone as their enemies, and the Orange party as their friends. In that sentiment was conveyed the whole history of Ireland. He did not mean to charge the Secretary for Ireland with any participation in or sanction of this most outrageous proceeding; but he must say, that no ordinary inquiry would satisfy the public mind, and it must be an inquiry which went into the origin of the processions, and the spirit in which the magistracy had assisted in them. The occurrence would add immensely to the bitterness of feeling that existed in Ireland, which had for centuries raged there, and it would prevent the Roman Catholics and the Protestants from meeting cordially for a long period. He must say that, in his opinion, Lord Roden and others of his class were the most guilty of all the parties concerned, and if the facts proved to be as they were stated, he ought to be struck off the commission of the peace as a mark of the indignation of the Government.

SIR DENHAM NORREYS hoped the Government would endeavour to make the law obeyed in Ireland, because it was the law, and not allow it to be interpreted by partisan magistrates. Who were the magistrates that sanctioned processions, which necessarily led to such fatal results? That was a most important point, and ought to be carefully inquired into. If the Government did not ascertain who were those who sanctioned these proceedings, the investigation would be a delusion. He held a letter in his hand from a noble Lord, who stated that resistance to an Act of Parliament might be justifiable and praiseworthy. It was this principle against which he protested. The Government should crush it, and take steps to make the law respected and obeyed, because it was the law. Until they did so, they could never rule Ireland; and scenes like these would be of frequent occurrence.

MAJOR BLACKALL quite agreed with the law laid down by the hon. Member for Manchester that it was illegal for any parties to appear in arms. It should be recollected that the military who were connected with this business had no option of action themselves, but were entirely under the control of the magistrates. The conduct of the military during the trying times of last year in Ireland, was, he thought, sufficient to show that they were not the partisans of any class of men, but were always anxious to discharge their duty.

MR. FOX MAULE thought that the House would admit that a most melancholy occurrence had taken place in Ireland. It was one that required the most minute investigation into all its details. He would, therefore, earnestly impress upon the House the inconvenience of getting into a discussion upon the subject now, when they found that the assertions on the one side were contradicted by the other. They should remember that it was but one short week since this affair had happened, and all the circumstances connected with it were to undergo a most strict inquiry by the Government. The military, on an occasion like that, were entirely at the command of the magistrates, and should not be censured for the course they took. They should recollect that during the late disturbed times in Ireland, the conduct of the military had been such as to call forth the approbation of all well-disposed persons.

MR. MONSELL looked at this moment with a hope that something would be done to put an end to these miserable party quarrels in Ireland. It should be understood, before this Session closed, that it was the intention of the Government to put a final stop to these proceedings by the introduction of some legislative measure. He did not think that the statement of the hon. Secretary for Ireland was quite satisfactory on this point. He thought it was most essential, in the present excited state of the people's minds, that there should be a Bill introduced immediately into the House to put a stop to these party processions. The Government were also bound to express their opinion as to the existing law upon the subject, and at once to state whether, according to the common law of the country, 1,500 men could march fully armed through any district of the country without violating the law, and with a full knowledge on the part of the magistrates that there was another armed force in readiness to come into collision with it. He believed that the feeling of this House was, that the conduct of the magistrates on the occasion referred to was directly contrary to law.

MR. LABOUCHERE could not help thinking that after the assurances given that the Government were determined to institute a complete and searching inquiry into this unfortunate business, it would be most inexpedient for the Government to comply with the request just made by the hon. Gentleman opposite, and that they should pronounce any opinion upon an abstract proposition. In the present condition of Ireland he saw nothing more unfortunate than that those scenes which he hoped had passed away for ever, should have been added to the calamities with which that unfortunate country was afflicted. During his experience of that country, nothing had given him greater satisfaction than to see a determination among the leading men of both parties, and especially the Protestant party, to discourage by every means in their power those displays which had kept up a spirit of animosity among different classes of the people, who had a common interest in living together in harmony. If these things could be prevented by the influence of men of all classes, it would be better than any interference by way of legislation. He deeply regretted what had recently occurred, and could only repeat the assurance which had already been given, that the attention of the Government had been directed to the matter, and that the most searching inquiry would take place.

MR. REYNOLDS said, the speech of the right hon. Gentleman who had just sat down had surprised and disappointed him. The right hon. Gentleman asked the House not to agree to an "abstract proposition." What did the right hon. Gentleman mean by an "abstract proposition" in connexion with this massacre? It appeared from the evidence at the inquest that a man was shot. It also appeared that a woman was shot, and that not less than forty persons were wounded. He should like to know how that was considered an "abstract proposition?"

MR. LABOUCHERE wished to explain. What he had called an "abstract proposition" was, not the circumstances of this case, but the question put to the Government, whether processions of this nature were or were not lawful?

MR. REYNOLDS was glad that he had made the remark, because it had elicited such an explanation. He considered the summing up at the inquest an excuse for murder. Such proceedings were calculated to inflict great discredit upon the country and all the authorities. With regard to the military, no censure had been cast upon them. But it occurred to him that the author of these murders was the Earl of Roden. That observation might be unpleasant to hon. Gentlemen, but he believed the facts would show that to be so. What were the facts? That the Earl of Roden, the late grand master of the Orangemen in that province—and, perhaps, the grand master at present—invited 1,500 armed men to enter his domain on the 12th July. They were armed to the teeth—dressed in all the gaudy colours worn by Orangemen on these bloody anniversaries. It appeared that the Earl of Roden prepared the banquet, that he appeared in the dress of an Orangeman, that he read extracts from the holy Bible among them, that he regaled them with beer and porter, and whisky, and that after all this occurred they were directed to go by what was called a circuitous route on the one hand, and a bad road on the other. And why? Because the immediate district of Dolly's Brae was inhabited by Roman Catholics. Not satisfied with spending the day in triumph, shouting and huzzaing, and firing shots, and playing *Croppies lie down*, and *The Boyne Water*, when they became inebriated they were determined to go to the houses of their neighbours for the purpose of insulting them. And they were safe in doing so. They had a troop of Enniskillen Dragoons riding before them, and two troops of infantry guarding them in the rear, and they were guarded on the flanks by the Orange police, and after a shot was fired from the van of this murderous cavalcade, they commenced the work of havoc. What was the course taken on this occasion? They pursued these "Ribbonmen," as they were called, up the hill, and, after murdering men, women, and children, they turned to their work of wrecking. They burned the Catholic priest's house—they wrecked the Catholic chapel—they robbed the people of their property—for, not content with burning the house of a grocer, they took away his property. It was impossible for an Irishman who wished to see the country properly governed, and that religious distinctions should cease, to restrain his indignation at the contemplation of this awful havoc. The Earl of Roden was a magistrate and a privy councillor. Mr. Beers, the magistrate, who encouraged these bloodhounds, was also in the power of the Government. Now, let him ask this question, did the House recollect how the Whig Government dealt with the hon. and gallant Member for the county of Armagh? On the 12th July, at one of these bloody banquets, Colonel Verner proposed "The Battle of the Diamond," for which the Marquess of Normanby, to his eternal credit, deprived him of the commission of the peace. What was done with respect to Colonel Blacker for appearing in front of his house with an Orange sash, and addressing a band of those men? He was deprived of his commission. Why then should they deal so tenderly with the Earl of Roden? If such a proceeding was to be overlooked, the hon. Member for Mallow need not express his regret that there was not a dictator and a despotism in Ireland. If the Earl of Roden was permitted to retain the commission of the peace, and to remain a privy councillor, then, indeed, would there be a despotism in Ireland—then would Orange ascendancy be again rampant in that country; and then, and not till then, would he say to his fellow-countrymen "You can have no confidence in the Government — you can have no confidence in any person but yourselves." He did not believe that any one, either peer or peasant, would be permitted to degrade the high office of magistrate under such circumstances. He had hitherto refrained from using any exciting language, but circumstances would compel him to alter his style. They had passed the Arms Act; why were not the Orangemen disarmed? They had passed the suspension of the Habeas Corpus Act; why were not the Earl of Roden and his accomplices taken into custody? The Earl of Roden ought to have been in the dock at the inquest.

Dr. NICHOLL: Sir, this discussion ought to cease. The House was assured that a searching investigation was going on; that investigation might lead to judicial proceedings, which they ought to do nothing to prejudice. What had been done in reference to Colonel Verner, Colonel Blacker, and Mr. Watson, ought to prove that rank would not screen any individual. They ought to leave the matter in the hands of the Government, and if justice were not done, in a future Session an inquiry might be entered upon, in order to find out why there had been such a failure of justice; and Irish Members might depend upon the assistance of independent English Members.

Captain ARCHDALL agreed with his hon. and learned Friend and the Members of Her Majesty's Government, that the present discussion could lead to no good. He only rose to say that he had heard the abuse of the Orangemen by the hon. Member for Dublin with the utmost contempt.

Mr. MOORE, under the circumstances, would not persist in his Motion.

Motion, by leave, withdrawn.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 20, 1849.

Minutes.] Public Bills.—1ª Advance of Money (Athlone to Galway Railway); Militia Pay; Estates Leasing (Ireland); Municipal Corporations (Ireland).

2ª Newgate Gaol (Dublin); Lunatic Asylums (Ireland); Commons Inclosure (No. 2); Highway Rates; Excise Benevolent Fund Society.

Reported.—Indictable Offences (Ireland); Summary Convictions (Ireland); Militia Ballots Suspension.

3ª Admiralty Jurisdiction in the Colonies; Sewers Acts Amendment.

Petitions Presented. By the Earl of Carlisle, from Bradford, that a Protest may be made on behalf of the British People against all further Foreign Interference with the Liberties of the Romans.—By the Duke of Buccleuch, from Glastonbury, against Art. 11, Sec. 3, Cap. 2, of the Criminal Law Consolidation Bill.—By Viscount Strangford and Lord Redesdale, from Evesham and Blean, against Granting any New Licenses to Beer Shops.

FOREIGN AFFAIRS—RESOLUTIONS.

Lord BROUGHAM:* Whoever, my Lords, would undertake the discussion of any difficult and delicate question touching the foreign policy of the country, ought, above all things, to free himself from every feeling of hatred or of anger, and from all personal and from all national prejudices, which might tend to disturb the equanimity of his judgment. For, when the mind labours under any such feelings, expressions are apt to be used which, whether they are well understood or ill understood, give umbrage elsewhere, and endanger the peace as well as the policy, in a word, all the highest interests of the country. I present myself to your Lordships to handle the important subject of which I have given notice, under the deep impression of sentiments such as these; and it will be no fault of mine if I am betrayed into any discussion, or even into any passing remark, which shall give offence in any quarter, at home or abroad, and shall thus endanger what is most essential to the interests of the country, a good understanding with, and a friendly feeling towards, foreign nations. It gives me great satisfaction, seeing that I have to express a difference of opinion from my noble Friends opposite, and to blame the measures which they have adopted—it gives me great satisfaction, I say, to commence what I am about to state, by declaring my entire approval of such sentiments as I am about to cite, in language far better than my own, used by them when they instructed our Envoy at the Court of the Two Sicilies to give the "strongest assurance of the earnest desire of the British Government to draw, if possible, still closer the bonds of friendship which had so long united the Crowns of Great Britain and the Two Sicilies." It is therefore grateful, most grateful to me—whilst I join in their sentiments, which are better expressed than I could have expressed them, but not more warmly expressed than I would have expressed them—that, in the remarks which I am about to make, and which are wrung from me by the accusations brought against the Ministers, the authorities, and the troops of Naples, I shall, in the true sense of the passage I have just quoted, have to defend those Ministers, those authorities, and those troops from attacks which have been made upon them by the authors of that passage injuriously, inconsiderately, and unjustly.

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* From a Pamphlet published by Ridgway.

The despatch to which I have just alluded, is dated the 16th of December, 1847. But somehow or other, events happened soon after which make it hardly possible to suppose that the same hand which wrote that despatch, could have written the subsequent instructions, or that the same agents who had to obey the former instructions, and to represent the feelings of old attachment, of which it was impossible to draw the bonds closer, could have been instructed so soon afterwards as the 18th of January, 1848, to take a course entirely and diametrically opposite.

It would give me great satisfaction if, having thus accidentally touched upon the transactions of Southern Italy, I could proceed at once thither in the progress on which I am now asking your Lordships to accompany me. But I find, my Lords, from what has been taking place within the last few weeks, how reluctant soever I may be to discuss the events of the northern divisions of Italy, and recur to questions often agitated here, and by none of your Lordships more ably than by the noble Earl near me (Lord Aberdeen), that I must allude to the conduct of his late Sardinian Majesty, to the still unfinished negotiations between Sardinia and Austria, to the still unremoved fleets of Sardinia in the Adriatic, to the beleaguering of Austria in her Venetian dominions, and to the prevention of her employing her undivided resources in crushing the rebellion in the eastern parts of her empire; and that I cannot examine the whole foreign policy of this country without adverting to the events which have happened in Northern Italy. It was at the beginning of the present Session of Parliament that I had occasion to foretell before your Lordships the speedy discomfiture of the then monarch of Sardinia by the victorious troops of Marshal Radetzky. After a temporary success the year before, his Sardinian Majesty had been repulsed, had been compelled to repass the Ticino, had been driven to seek protection within the walls of his own capital, and had only not been pursued within those walls because his opponents had mercifully abstained from urging their victory to the utmost, and had preferred the redemption of their pledge of maintaining the Treaties of Vienna and the settlement of territory made under them, to the enlargement of their dominions and to the exaction of security against any repetition of the offence which they had so signally chastised. The firmest friend of Sardinia—the stoutest champion of that distribution of territory to which I have referred—my noble Friend himself near the woolsack (the Duke of Wellington), who completed by his skill in negotiation the still more glorious triumph of his arms in the field—not one of these parties could have objected to the Austrians crossing the Ticino, exacting vengeance from Sardinia, and taking from its monarch, according to all the laws of war, according to the strict law of nations, ample security against the repetition of a similar transgression. Marshal Radetzky, however, acted a merciful part, and was wiser in so doing than if he had justifiably acted with greater severity. He and his imperial master showed that they were above all sordid, all selfish feeling. I only lament that the marshal stopped so far short of that which he had a right to do. An acre of land I would not have taken to increase the dominions of one sovereign, or to diminish the territory of the other; but I would have shown the Monarch of Sardinia, I would have shown the world, that it was not from fear, but from magnanimity, that I had resolved to stop short of the full rights of victory. Then it was said, "Oh, but now we shall have peace." Mediation was talked of, and mediation was offered—the mediation of Great Britain, of the success of which I never entertained any hopes. That any great benefit would arise from such a proceeding, I thought just as unlikely as that in private life, when two individuals having quarrelled about a disputed right, had gone to law to asertain which had the better title, and one of them had gained a verdict and had entered up judgment, this winning party would accept an offer to refer all the matters in dispute to arbitration, just before execution issued. In such a case the matter in dispute is at an end, and though the party who has lost the cause may have no objection to such a reference, it will never be so with the party who has gained it. I therefore told my Friend, Sir H. Ellis, who was appointed to superintend the proceedings of our mediation, that as the matter in dispute between Austria and Sardinia was at an end, I did not anticipate that with all his skill he would have any success as a negotiator in this strange arbitration. "Oh," I was told, "Austria will abide by it." Yes, I know that Austria certainly would, if she submitted to the mediation, and perhaps Sardinia also; but little did I know Sardinian counsels when I said so.

I stated, however, that very same night, to your Lordships in this House, that it was my deliberate belief, that before the end of a few weeks there would be an end of the Sardinian monarchy. On that occasion I was, indeed, a true prophet. Almost whilst I was speaking, the King of Sardinia broke the armistice, again attacked the Austrians, was again defeated, and then abdicated his crown. That Monarch was much to be blamed for the former part of his conduct, but was much to be pitied for its close; he was driven on by the fear of a mob—the most paltry and the most perilous of all fears—he was urged on to his ruin by the worst of all advisers, those fears—he threw himself into the hands of the Red Republican party of Paris and of Turin, and, worse than all, of Genoa; and he has paid, in consequence, the penalty of giving ear to evil counsellors. Then there was more of negotiation, although one would have thought that, when Radetzky stopped in the full career of victory, there would have been an end of all resistance on the part of Sardinia. The negotiation which then began has been continued from day to day up to the present hour, and, if common fame can be trusted, there is less chance now of that negotiation leading to the pacification of Northern Italy than there was three or four months ago. I deeply lament this, my Lords. Every friend of the true policy of England, and every friend of the peace of Europe, must lament it. I hear it said, our Foreign Office lends its aid to the delay of peaceful measures in Turin; and I hear it with wonder, considering what has passed within the last two years. But I am afraid that there are some natures far too sanguine—some whom no failure can cure of the most extravagant hopes—who, while they are sinking, cling to the feeblest straw, and derive hope from the slightest change, and who, because things are not just as they were twenty-four hours before, expect that better times are coming, and hope even against hope itself. I think that what has recently taken place in Hungary, in Croatia, and in Transylvania, has been the foundation of the hopes recently entertained by the friends of Sardinia, and that some parties in England, but still more in Turin, have conceived expectations that Austria, if these negotiations are allowed to drag their slow length along, will be frustrated in her designs of—what? Aggrandisement? Oh, no. If that were all, the difficulty might easily be removed. For look, my Lords, how the matter stands. Here is craving ambition on the one side, against a steady adherence to a pacific policy on the other; here is a desire to enlarge dominion against the solemn faith of treaties on the one part, and a resolution not to swerve a hair's breadth from that faith on the other, even when tempted by aggression the most unjust, and crowned by success the most absolute and complete. Here is good faith unsurpassed, almost unexampled moderation in victory, met by incurable thirst of aggrandisement, and reckless love of change under the most grievous disaster.

Thus stand the rival Powers of Sardinia and Austria opposed to each other. I hope that I view these matters more gloomily than the real state of things warrants; but I certainly feel not a little uneasy when I reflect on the great length to which these negotiations have been sedulously spun out. And here, my Lords, I must observe, that this brings me, among many of the views which I now, anticipating somewhat, have taken of the present state of the Powers, to the conviction that the various matters now in dispute can only be settled by some general congress. This would at once close the Turin conference. I have before mentioned to your Lordships that the favour which the Government of England has shown to Sardinia, and the prejudice against Austria, has exhibited itself—indeed, I may say, has broken out very conspicuously, in two portions of these transactions. First, it was displayed in the general difference of the language used to Austria and to Sardinia. To Austria we have held out everything short of threat—we have addressed her in language gentle indeed in outward appearance, but amounting in substance to downright menace. "You had better not go," we said, "into Italy—you had better not invade any ally of ours—you had better not think of going to Turin or to Rome —for, if you do, we shall consider it a matter deserving of grave consideration." That was not the language in which we addressed the other party. To Austria we were *suaviter in modo, fortiter in re.* But Sardinia was gently and amicably told, "If you do so act, it will be very much against your true interests. It will be wiser not to do anything of the kind." "Pray don't for your own sake." But no threat, nor anything like a threat. Sardinia was not told, as Austria was, that it would be matter of great importance if she budged a foot out of her own dominions. And all this diversity of treatment, all this reprimand of Austria, was designed to be made known, and to gain credit and popularity with the republican rabble. For then came that proceeding—so ludicrous at once, and so mean, that I have never read anything like it in the whole course of history. While we were anxiously advertising to all Europe, and more especially to the rebels at Milan, and to the red republicans in Paris, that we had held out to Austria this menace, we had at the very time in our pockets an answer from Prince Metternich to our menacing despatch, saying, "What is the matter with you? It is not yet the month of November, when the malady of your gloomy climate prevails, but it is the cheerful month of September. What ails you? Are you distracted in your brain to talk of our going to Turin? We have no more thought of going to Turin or Naples than we have of going to the moon. On the contrary, if any one presumes to disturb the security of any country, above all to threaten Sardinia, we will stand by you to defend Sardinia, and to maintain inviolate with all our forces and all our resources all the arrangements of the treaties of Vienna." Not one word of this answer from Austria did we suffer to be known while bragging of our threats to her; threats which assumed her having the design of attacking Sardinia. Then, when the impropriety of keeping such a document in your pockets was mooted in this House, my noble Friend opposite (Lord Lansdowne) said, "Oh, we were ready to give you that despatch as soon as you asked for it." Yes, when I did ask for it I got it; for, on the 18th of last September—my noble Friend (Lord Aberdeen), was not at that time in the House, but in Scotland—I said, "I have that despatch in my hand, and I will read it, every word, if you do not consent to give it to the public." *Non constat* that it would have been given if I had omitted to give that direct challenge to Her Majesty's Government. I don't blame my noble Friend opposite for all this; he, good easy man, knew nothing at all about it; he was not instructed; the Foreign Office let him remain innocent and ignorant; but the sum and substance of all this is, that every indulgence was extended to Sardinia, whilst threats, downright threats, were held out to Austria. Now, for one moment stop to recollect the language which we used in the despatch addressed to the Court of Austria on the 11th of September, 1847. It was as follows:—

> "Any aggression on the rights of independent States will not be viewed with indifference by Great Britain. The independence of the Roman States is an essential element in the political independence of Italy; and no invasion of that territory can be attempted without leading to consequences of great gravity and importance."

The answer which we received to that note from Austria was, "We never dreamt of any such thing, but are ready at all times to stand by the integrity of all Italy." That declaration brings me, my Lords, from considering the affairs of Northern Italy to the subject of Central Italy, and more particularly of Rome itself; and I naturally ask, in the words of my first resolution, whether that full and satisfactory explanation which we have a right to receive has been given of "those recent movements in the Italian States which tend to unsettle the existing distribution of territory, and to endanger the general peace of Europe?" First, there is the occupation of Ancona by an Austrian army; then there is the occupation of Bologna by the main force of another Austrian army. I say nothing of the occupation of Tuscany. I put Tuscany out of the question, as it is a sort of family estate of the House of Austria, in which she has a right by treaty to interfere. But that is not all. There is also in the heart of Italy, in its very centre, in its capital, an army, not Roman, not Austrian, not Italian, not composed of its native soldiery, but a French army, consisting of 40,000 or 50,000 men, and with a park of artillery consisting of 120,000 guns. I crave your pardon, 120 guns. [*Laughter attended this mistake.*] This army did not fall from the clouds. The troops advanced on the surface of the earth. The Eternal City was invaded with all the usual pomp and circumstances of war. Some thousand men with a few guns were in the first instance sent from Marseilles to Civita Vecchia, and some explanation was given why they were sent, more or less satisfactory. But if any man has seen that explanation, stating that a force of 16,000 men and a strong fleet had been sent to Civita Vecchia by France, and has been told that the army was to stop there and to do nothing further, and that their sole object was to re-arrange the balance of power—such was the Government explanation—to adjust the balance of Europe at that port: if any man, having seen that explanation, can take it as satisfactory, all I have to say is, that he is a man very easily satisfied. It does not satisfy me—indeed, it seems very like treating us with contempt to give such explanations. Be that, however, as it may, the other events which followed, plainly demanded full explanation. That army, sent in the first instance to Civita Vecchia, afterwards marched onwards, and in three days arrived at Rome. What was it doing there? To an unskilled observer — to a non-military man like myself, who could not tell the difference between 120,000 and 120 guns—it did look as if it were going to make an attack upon the Eternal City.

Well, then, there is another question, still more apposite, and in answer to which I think that we should have had some explanation, and it is, "What shall be done, supposing that this army should attack Rome, and, as is most probable, carry it?" Up to this hour I, for my part, do not know whether such a question has been put, or, if put, whether it has received an answer. "What are the French doing before Rome, and what will they be doing after they have gained possession of it?" is the question that should have been put. To say that they are there for the cause of humanity, or for the sake of maintaining the balance of power — these are words of which I cannot understand the connexion with the undenied facts, and with the march of 40,000 or 50,000 troops with 120 guns, which does require satisfactory explanation, because such proceedings are not an adjustment, but a subversion — a destruction of the European balance. I must forget all that I have ever read of the rights of nations before I can consent to admit that circumstances like these can be allowed to pass over unnoticed. Here, my Lords, I should be doing injustice to my own feelings if I did not express my entire admiration of the conduct of the French army before the walls of Rome. What the French army had to do there—whether the French Government were entitled to send it thither—is another matter, and on this men may have different opinions. Whether or not it was in perfect consistency with the professions of the new half-fledged French Republic to send an army to put down another nascent, a newly hatched republic—whether that step was in harmony with the views of the statesmen who had ruled France ever since the unhappy 24th of February; a day which I must ever consider deplorable for the peace of Europe, for the institutions and thrones of Europe, and, above all, most unhappy for the improvement and tranquillity of France itself —whether that step was in strict keeping with all the professions of all the parties who had been in power since that event had changed the face of France, and arrested the progress, the rapid, the uninterrupted progress to comfort and happiness which France was making under the constitutional monarchy, by the development of her prodigious resources — whether it was in harmony with their professions of peace, to send an army to overthrow the infant Republic of Rome— I will not stop now to inquire. Suffice it to say, that the assistance of France was invited by the Pope, as he says in his allocution from Gaeta, but not severally or distinctly—it was invited in conjunction with that of Austria, Spain, and Naples; and it is one of the very few criticisms which I am disposed to make upon the French Government, that the second difficulty in this question is the manner in which the French army went alone to Rome when the Pope asked them to come conjointly with the forces of the other Powers; for it seemed as if they meant to anticipate others, and to gain a footing in Rome before the Austrians could take the field.

But all my unfavourable remarks touching France are now at an end; for no Government, no army, could have acted more blamelessly — I should rather say, more admirably—than that French army and its commanders. In the first place, can any man doubt that they could have taken Rome long ago if they had not been averse to the effusion of blood? Little do they know the gallantry of French troops who entertain a contrary notion. Then they were strongly impressed with the idea that it was not right the innocent should suffer with the guilty. Again, they felt that they were not going against the Romans, but against those who had usurped and exercised an intolerable tyranny over the Romans, properly so called. They were marching against Mazzini and Garibaldi — that Garibaldi for whom a noble Friend of mine (Lord Howden), whose eulogy is really praise, bespoke your sympathy so strongly a few evenings ago. But my noble Friend, perhaps, is not aware that this person—a clever man, undoubtedly, of great military talents—was, like Mazzini, a professional conspirator; that the object of his first plot was, like that of a great conspirator in our own country (Guy Fawkes) who was not, however, quite so popular — to blow up the Royal Family of Sardinia in the theatre of Genoa; and that the discovery of that gunpowder plot drove him out in exile, first to Brazil, and afterwards to the Rio Plata, where he began to act as a partisan, and afterwards acquired considerable influence. On the breaking out of the last revolution in France, he returned to Europe, and shortly afterwards agitated the provinces of Italy, repeating in their northern districts, and in Rome itself, those valorous feats of arms which gained him reputation in the New World. Mazzini is a man of less courage, though of great ability; for few men are so bold as Garibaldi; but Mazzini in conjunction with Garibaldi got possession of Rome— the one eminent for his civil, the other for his military, qualifications; there they established a dictatorship under the name of a Triumvirate, and disciplined several thousand soldiers, of whom scarcely one was a native Roman. Among them were Frenchmen, Monte Videans, Poles, Italians of the north, but Romans few or none. Therefore, it was, I said, that General Oudinot was cautious how he bombarded Rome, as he could not direct his hostility against one class of men, and yet entirely spare all. Lastly, my Lords, I cannot shut my eyes to the merits of the French army, of which all ages must testify their sense as long as any regard remains among men for the precious remains of antiquity, and for those more inestimable treasures of modern art which form the pride and glory of the Eternal City. General Oudinot had carried on the siege of Rome as if he would avoid the effusion of a single drop of human blood, and as if he were anxious not to expose the great monuments of art to the injuries of shot and shell. In this state of things, the delay of the capture took place, while many at Paris were impatient at the suspension of their triumph, but whilst many more were anxious that in future ages the French should not be ranked with the Goths and Vandals of past times; and I feel that the greatest gratitude is due to the French general and to the French army for the humane and generous spirit that tempered the valour which they displayed before Rome. What they are to do now there, is a very different question. I believe that their difficulties are not yet over. I believe they are only now begun; and that is one reason why I urge to my noble Friend opposite, the propriety of calling a general congress for the settlement of the disturbed affairs of Europe. The difficulties of the French army and the French Government at Rome are so great that an acute people, like that of France, cannot shut its eyes to them. They must see how little they have gained even of that for which the Red Republicans of France are so eager—military glory—if that was the aim of the Paris multitude, which I more than suspect—of their rulers it could not be the purpose, unless they yielded up their better judgment to the influence of the rabble, for assuredly, while exposing them to every embarrassment in their foreign relations, and augmenting their financial difficulties, they must have seen that it was an enterprise in which success could give their country little glory, while failure must cover it with disgrace. But what signifies to France the loss of such renown as victory bestows? What to her is the foregoing one sprig of laurel more in addition to the accumulated honours of her victorious career? The multitude of Paris rather than France, the statesmen of the club and the coffee-house, the politicians of the salons, the reasoners of the Boulevards, may retain their thirst for such additions, such superfluous additions, to the national fame. The sounder reasoners, the true statesmen, have, I trust, learnt a better lesson, and will teach her gallant people to prefer the more virtuous and more lasting glories of peace.

But whatever the Paris mob in the drawing-rooms or in the streets may have desired, I am confident the Government if left to itself, had one object only in view, the rescue of Rome from the usurpation of a foreign rabble, and restoring the authority of the Pope, whom that rabble's violence had driven from his States. And here let me say a word which may not be popular in some quarters, and among some of my noble Friends, upon the separation of the temporal and spiritual authority of the Pope. My opinion is that it will not do to say the Pope is all very well as a spiritual prince, but we ought not to restore his temporal power. That is a short-sighted and I think a somewhat superficial view of the case. I do not believe it possible that the Pope could exercise beneficially his spiritual functions if he had no temporal power. For what would be the consequence? He would be stripped of all his authority. We are not now in the eighth century, when the Pope contrived to exist without much secular authority, or when as Bishop of Rome he exercised very extensive spiritual authority without corresponding temporal power. The progress of the one, however, went along with that of the other; and just as the Pope had extended his temporal dominions by encroachments of his own, and by gifts like those of Pepin and Charlemagne, the Exarchate and Pentapolis, uniting the patrimony of St. Peter, and adding to it little by little until he got a good large slice in Italy, just in proportion as his temporal authority increased did he attain so overwhelming influence over the councils of Europe. His temporal force increased his spiritual authority, because it made him more independent. Stript of that secular dominion, he would become the slave now of one Power—then of another—one day the slave of Spain, another of Austria, another of France, or, worst of all, as the Pope has recently been, the slave of his own factious and rebellious subjects. His temporal power is an European question, not a local or a religious one; and the Pope's authority should be maintained for the sake of the peace and the interests of Europe. We ourselves have 7,000,000 of Roman Catholic subjects; Austria has 30,000,000; Prussia has 7 or 8,000,000, France is a Catholic country, so is Belgium, so are the peninsulas of Italy and Spain; and how is it possible to suppose that, unless the Pope has enough temporal authority to keep him independent of the other European Courts, jealousies and intrigues will not arise which must reduce him to a state of dependency, and so enable any one country wielding the enormous influence of his spiritual authority to foster intrigues, faction, even rebellion, in the dominions of her rivals? Probably, as General Oudinot has sent the keys of Rome to the Pope at Gaeta, it is his intention to restore the temporal authority of the Pope. There are difficulties in the way of the French General remaining at Rome, the inhabitants of which naturally do not like to see an army of some thousands encamped in their town, and there are difficulties in the way of his leaving Rome; but there is no way so easy of overcoming those difficulties as a general congress to settle the affairs of Europe; and I do not consider that a clearer course can lie before France than to propose it, or that she can find a safer and a more creditable way out of her present embarrassments in Italy.

I now come to a part of the subject which I have only originally glanced at, the state of our relations with the southern part of the Italian peninsula. On the 16th of December, 1847, the noble Lord at the head of Foreign Affairs (Lord Palmerston) wrote to Lord Minto, directing him to request an audience—

> "For the purpose of conveying to his Sicilian Majesty the strongest assurances of the earnest desire of Her Majesty's Government to maintain, and if possible draw still closer, the bonds of friendship which have so long united the Crowns of Great Britain and of the Two Sicilies."

Here, then, the Government were vowing eternal friendship with the Neapolitan. But, on the 10th of January there broke out a rebellion in Sicily, and then "a change came over the spirit of their dream," for there appeared no longer the same ardent desire for amity with Naples, or lamentations that it was not possible to "draw still closer the bonds of friendship between the two Governments." Now came a scene which I have read in the mass of papers before me with feelings of very sincere regret. I cannot easily imagine a more imbecile judgment than presides, or a more mischievous spirit than pervades, the whole of the diplomatic correspondence, the whole correspondence, not only of our professional politicians, our Ministers, our Secretaries, our Consuls, our Deputy-Consuls, but also a new class of political agents, who appear on the scene, the vice-admirals and captains of ships of the line, who all seem, in the waters of Sicily, to have been suddenly transformed, as if by the potent spells of the ancient enchantress who once presided over that coast, stripped of their natural military form, if not into the same sort of creatures, whose form she made men assume, yet into monsters, hideous to behold, mongrel animals, political sailors, diplomatic vice-admirals, speculative captains of ships, nautical statesmen, observers, not of the winds and the stars, but of revolts; leaning towards rebels, instead of hugging the shore; instead of buffetting the gale, scudding away before the popular tempest; nay, suggesters of expeditions against the established Governments of the Allies, with whom their Government lamented it could not draw the bonds of friendship more closely—a new species, half naval and half political, whose nature is portentous, in whose existence I could never have believed. Mr. Temple, a prudent and experienced Minister, is absent, unfortunately, from his post, and his place is filled by Lord Napier, a worthy man, and an active, above all, an active penman, a glib writer if not a great; writing, not quite, but very nearly as well, as the captains and admirals themselves. We find this gentleman, like them, ardently hoping that revolt may prosper, and doing his endeavour to realise his desire; dealing out every sort of suggestion and recommendation, lecturing as if he sat in the Foreign Office, administering rebukes like a Foreign Secretary, telling the Neapolitan Government they had better do so and so; if they did not, it would be the worse for them, and it would be viewed with "great gravity;" and yet supposing that no one but himself was sensitive—for he takes care not to show respect by salutes, and addresses, and those matters about which Monarchs are supposed to care a great deal; making very free in his, I will not say rude and unmannerly, but certainly his rough treatment of others, yet all the while excessively annoyed at the "tone," as he calls it, of some of the communications addressed to him. But after carefully studying the papers, to catch what this offensive tone of the Neapolitan Minister was, I have found it so evanescent that I really cannot discern it, and suppose there must be something in the manner, or in Lord Napier's state of mind at the time, which overset him.

On the 18th of January, 1848, Sir W. Parker, than whom a more able and gallant officer could not adorn the service, but who cannot be everything—for there are very few who, like my illustrious Friend at the table (the Duke of Wellington), or my renowned master, under whom I first served in a diplomatic situation (the late Earl St. Vincent), are equally great as captains and statesmen — Sir W. Parker wrote to say that the rebellion having broke out again, he had given general orders to the captains of British vessels to afford protection to individuals of either side who were flying for their political conduct. It is easily to be seen which of the two sides these instructions are intended to protect. Sir W. Parker concludes by saying, "I shall await with anxiety the result of the outbreak in Sicily, and the effect it may produce at Naples." Why, what had Sir W. Parker to do with that? The truth is, he was in the hope and the expectation that the rebellion in Sicily would extend across the Faro, and lead to a rising of the Calabrese upon the neighbouring continent. In page 352 we have Captain Codrington, a most able officer, no doubt, giving a long political disquisition, and many speculations, respecting the rebellion and its effects elsewhere, in which he predicts a rising in Calabria, and foresees the danger which would consequently accrue to the Neapolitan Government. The gallant Captain writes as if he were a soothsayer, sent out to foretell the effect of the Sicilian force landing in Calabria, in shaking the Neapolitan throne. Nay, not content with being Minister and Ambassador, as well as naval officer, the gallant Captain must needs act, at least speculate, as a Secretary of the Treasury, or whipper-in for the Sicilian Commons; so he proceeds to discuss the returns for the new elections:—

> "Should the small Sicilian force," says he, "recently landed in Calabria—probably under 1,000 men—succeed in raising the inhabitants of that part of the country against the present Government, they may be able to beat the 12,000 Neapolitan troops at present in Calabria, and then by getting possession of Scylla and Reggio, the Sicilians will gain the control of the Straits, and ultimately so distress the citadel of Messina, by cutting off its communication, as well as by other military operations, as to bring on its surrender. In the meantime, the character of the return of Members to serve in the coming Parliament, to meet in the early part of next month, is adverse to the present Ministry. In some places, the electors on meeting have merely made a *procès verbal* affirming the validity of their previous election, and reasserting the candidates then chosen as their actual representatives; in others they have proceeded to a new election; but in almost every case the very same individuals as before have been returned as Members for the Parliament. This gives a considerable check to the Government, and shows the state of public opinion in the provinces. If on the meeting of Parliament the discussions are free, we may expect strong differences, if not collisions, between the King's Government and the Parliament from recent events, from present difficulties, and above all from the want of experience of all parties in carrying on public business. If the Government control the discussions by force, or prevent the meeting of Parliament, or suddenly get rid of it, and govern the country by means of the army, the provinces will then be almost sure of rising generally, particularly Calabria, excited by the Sicilian landing, and then not only will Messina be gone, but Naples and the throne of Ferdinand will be in the greatest danger. But if the King's Government were at present to act with great prudence and moderation, and if they believe them sincere in it, there would be no such general rising in the provinces as to render the Sicilian landing of importance, and then that small body of men would be crushed by the large Neapolitan force at present in Calabria. This would put the King's Government in a far more commanding position for terms in any future negotiations with Sicily, and probably put off a final settlement by inducing claims too exorbitant to be agreed to by Sicily."

What had Captain Codrington to do with the going out or coming in of the Ministry? What in the name of Neptune and Mars, and all deities having charge of ships of war, had a naval officer to do with the returns to Parliament, the results of votes in that foreign House of Commons? Observe, my Lords, the papers are selected out of the mass of documents at the Foreign Office, and I will venture to assert very confidently that, beside those which have been produced, there are half-a-dozen times as many which the Foreign Office has not produced; so that if we find anything in these papers showing faults to have been committed by those who produced them or by their agents, we may assume that if the whole of the papers were given, not a few more faults of the same kind would be found to have been committed.

The noble Lord opposite (Lord Minto) went from Rome to Naples, and if he had been alone there I should have had greater confidence in the proceedings of the Government; for I have had long experience of his good sense and sound judgment. But the noble Earl had a very active and zealous man under him; and while wading through this volume, I have often had occasion to reflect on the wise opinion of Prince Talleyrand, who used to reckon in diplomacy that zeal in young men is the next thing to treachery, and that sometimes it is just as bad as treachery, for the zealous are clothed with the garb of merit, and you have little hold over them. Well, the zeal, the honest zeal, no doubt, of Lord Napier, moved my noble kinsman from Rome to Naples. The noble Earl (Earl Minto) on the 2nd of February, 1848, wrote to the Foreign Office, that he had been so urged by Lord Napier to go to Naples that he had resolved to set off. But Lord Napier also tells us that on the 3rd of February he had an interview with the King of the Two Sicilies, and that he got the King, out of his zeal and his address working with it, to ask Lord Minto to go to Naples. Well, my noble Friend and Lord Napier, representing the British Government, were decidedly for the Sicilians and against the Neapolitans. There was no attempt to hold the balance even between the two parties, but every expression was used, every proposal made, every captious objection taken in favour of the Sicilians under pretence of holding even the balance. In that country my noble kinsman and Lord Napier are what we term in the language of this country "Repealers." They are all for what they call a native and independent Parliament in Sicily, just as the Repealers are for a native and independent Parliament in College-green. The noble Lord (Lord Minto) says, in a very vehement manner, that the sufferings of the people of Sicily under their thirty years' tyranny were so intolerable that the Sicilians had a much better ground for their rebellion than we had against James II. in 1688. A Consul writing on the 24th of April—having given most flourishing accounts of the universal insurrection of the Sicilians—accounts which differ entirely from those I received from travellers in that country, as well as from public functionaries — informed Lord Napier that the Sicilians were going to choose the Grand Duke of Genoa, as King of Sicily. This intelligence was received in London about the 4th or 5th of May, There was not a moment's delay in acting upon the notification, though it was only a prediction. If we were so very fond of our Neapolitan allies; if we lamented that we could not draw more closely the bonds of friendship between the two countries, protesting all the while our desire to keep the two crowns on the head of Ferdinand, it is very odd that our Minister should on the very instant it was known that the Grand Duke of Genoa was likely to be chosen, and that the Sicilians intended to dethrone King Ferdinand, namely, on the 8th of May, proceed to give these instructions to my friend, Mr. Abercrombie:—

> "Her Majesty's Consul at Palermo having reported that it is understood that the crown of Sicily is to be offered to the Duke of Genoa, I have to instruct you that if it should come to your knowledge that such an offer has been made, you will state to the Sardinian Government that it is of course for the Duke of Genoa to determine whether it will or will not suit him to accept this flattering offer, but that it might be satisfactory to him to know that if he should do so he would at the proper time, and when he was in possession of the Sicilian throne, be acknowledged by Her Majesty."

Let it be known, said the noble Lord at the head of Foreign Affairs, that if the Duke of Genoa accepts the offer of the Sicilians we shall lose no time in recognising him, the Grand Duke of Genoa, under the Treaty of Vienna, as the King of Sicily, and in accepting the dethronement of our own ancient Ally with whom we lament there is no possibility of "drawing closer the bonds of our ancient friendship." Oh, how easily snapped are the bonds that knit prince to prince, and State to State! Oh, how feeble the most ancient ties of the firmest political friendship! When the ink was hardly dry with which the profession was made of this earnest desire to draw more closely, if it were but possible, the bonds which united us to the King of the Two Sicilies, that Her Majesty's Government should, behind his back, and without a word of notice, avow their intention deliberately, but instantly, to acknowledge the usurper upon whose head his insurgent subjects were about to place the crown they had wrested from the brow of their lawful King! But my noble Friend (Lord Minto) is strongly impressed with the advantages of a free constitution — [Lord MINTO: Hear!]—not, however, more strongly than I am. Above all the free constitutions of the world, it is natural that the Sicilians should admire that admirable form of the purest of all governments, which, uniting the stability of order with the freedom of a popular constitution which we happily enjoy, and upon the possession of which we have reason to pride ourselves beyond all the other bounties which a gracious Providence has showered down upon this favoured isle. No wonder the Sicilians should be prepared to admire and regard with reverence a constitution which unites in itself the advantages of all other forms of government, the freedom of democracy, the vigour of monarchy, and the stability with the peacefulness of aristocracy. If I were to say that I am niggardly enough to keep this blessing at all hazards to ourselves, not to desire the extension to others of this happy form of government, I should do injustice to my own feelings; but if I were to say, I am slow to believe that the British constitution is of a nature to be easily exported, and transplanted in other countries, I should only give vent to the opinions which the wisest have held, and which every day's experience of foreign affairs tends more deeply to root in all reflecting minds. The British constitution is the work of ages, the slow growth of many centuries, and if it could be transplanted to countries so totally unprepared for its reception, and there made to take root, it would be as great a miracle as if we were to take a mature plant and set it to grow on a stone pavement, or a great wooden stick, and plant it in a fertile soil, there to bear fruit. The plant and the soil must be of congenial natures; the constitution must fit the nation it is to govern. The people must be prepared by their previous experience, their habits, their second nature, their political nature, to receive such institutions. I know not that I can ever sufficiently express the affection I bore to my late noble Friend (Lord W. Bentinck), who in 1812 instituted in Sicily the experiment of transplanting thither the British constitution. But your Lordships now know from his experience what was the consequence of attempting to establish our own constitution in another country. A traveller happened to be in Sicily at the time, and I will read the account he gave of the solemnity which he witnessed. He is speaking of the most important of all proceedings under that transplanted system; he is describing the conduct of the people's chosen representatives; he is painting the scene of their legislative labours, in the temple of freedom; he is admitting us to the grand, the noble spectacle of the most dignified of human assemblies, the popular body making laws for the nation in the sanctuary of its rights. See then this august picture of a transplanted Parliament. Mr. Hughes says—

> "As soon as the President had proposed the subject for debate, and restored some degree of order from that confusion of tongues which followed the announcement of the question, a system of crimination and recrimination was invariably commenced by the several speakers, accompanied with such hideous contortions, such bitter taunts, and such personal invectives, that blows generally followed, until the Assembly was in an uproar. The President's voice was unheeded and unheard; the whole House arose; patriots and antagonists mingled in the fray, and the ground was covered with the combatants, kicking, biting, striking, and scratching each other in a true Pancratic fray."

It is to restore this grand political blessing of the 1812 Parliament that all our late efforts have been pointed. The great object of our negotiations has been the establishment of such a precious representative assembly; but the result is, that those efforts have been all thrown away. The King of Naples was said at that time to have agreed to certain concessions; he offered the people such terms as our negotiators thought they ought to have accepted; and, up to that time, indeed up to this hour, Ferdinand has behaved moft fairly. He did not scruple to make such proposals for conciliation as our own negotiators thought the insurgents ought to have accepted. But all ended in their refusal. War broke out; Neapolitan troops were sent over; Messina was attacked, bombarded, and, after some four or five days, was taken.

Now, to show your Lordships the tendency there was in these negotiations to take advantage of every circumstance, accidental or otherwise, for the purpose of blackening the conduct of the Neapolitan Court, I will only state one particular, and that is with respect to the continuance of the bombardment. A most indignant denial has been given to this charge by the general officers and others engaged; and it turned out that our Consuls and Vice-consuls, all animated by the same spirit, all in favour of rebellion and against the lawful sovereignty, all agreed in one fact as the ground of the charge—they all said, that eight hours after the resistance had ceased, the bombardment was continued. It might naturally be supposed, that with this continued bombardment, much blood would be spilt; and when all our agents are dwelling on this continuance as a cruelty, every reader must conclude, that needless carnage was perpetrated, and much blood shed. But no such thing; not one drop could be spilt; and why? Because every creature had left the town before the eight hours had commenced to run! But the bombardment was continued for two reasons. In the first place, every house, as in Paris, was a fort; and, secondly, the Neapolitan commander could not possibly trust the white flag immediately after he had lost a whole battalion by a false flag being hoisted to decoy them into ambush, where the ground was mined. But no single fact of needless cruelty has been proved against the King of Naples, though I know, from a person attached to our Navy, and in those seas at that time, whose account I have read, as also from that of a traveller accidentally on board of one of the Queen's ships at the time, that there were cruelties of the most disgusting and revolting description committed by the Sicilians, and not one word of reference to which can be found in all the curiously selected papers that load your table. In the mass things are to be found, indeed, much against the wishes of the selectors, and also of their agents in Sicily and Naples. This is owing to their clumsy design of telling what they think will exalt the rebel and damage the loyal party, without always perceiving that these statements cut more ways than one. Thus, a number of consuls sign a statement, that all the inhabitants had left Messina. This is contrived to show that resistance had ceased; but it also proves that no cruelty could be committed by the bombardment. Again, we are told that 1,500, by one zealous agent's account, had been slain of the King's troops; but Lord Napier's hotter zeal is not satisfied with this number, and he makes it 3,000. The object of putting forward this statement is to exalt the rebel valour, and give a more formidable aspect to the revolt. But the zeal in one direction forgets that the same parade of numbers also shows how necessary severe measures had become on the King's part, and how little blame could attach to the gallant troops who, thus assailed, had imposed on them, by the duty of self-defence, the necessity of quelling so bloody an insurrection.

I have given one sample of the not very evenhanded justice which pervaded the correspondence. But I will proceed further. After the battle of Messina 700 or 800 rebels escaped towards the Ionian Islands. They were taken, and it was said by a stratagem; that by hoisting the English flag a Neapolitan cruiser was enabled to near them and take them. It was further alleged—and much of the correspondence is addressed to this point—that they were taken, contrary to the law of nations, within three miles or cannon-shot of the Ionian Islands, and therefore within the British waters. Very elaborate arguments are given in the correspondence to prove that position, and a great deal of indignation is expressed; and satisfaction was also demanded on account of the abuse of the English flag. An elaborate argument is prepared and sent by the Foreign Secretary to show that because the ships were first seen twenty miles off, and in half an hour more they were more clearly perceived, therefore at some unknown and unspecified time after the half hour, they must have been close in with the shore. I suppose on the principle that a sailing vessel going without steam, moves at the rate of twenty or thirty miles in the hour. However, such is this zealous argument to prove the favourite point that the rebels are always right, and the Government always wrong. Alas! that so much good information and subtlety of argument should be thrown away. This able and argumentative paper, crossed on its way out another from our own Admiral on its way homeward, in which he said he had inquired from the Governor of the Ionian Islands, and had ascertained that the ship was at least eight miles from the shores; so there was an end of the argument upon distance; and that of the insult to our flag was as shortly disposed of by a letter from our own Admiralty, stating that it was only a stratagem which our own Navy constantly employed, freely using the flags of other nations for its own purposes.

I rejoice to say, and your Lordships must be rejoiced to hear it, that I am approaching the end of this subject, but I cannot abstain from observing, to show how completely we took part with the one side against the other, that we treated the Sicilian prisoners as if they had been our allies—our own subjects. They were taken in rebellion, with arms in their hands, against their lawful Sovereign. But Lord Napier complains to Prince Cariati of his treatment of the prisoners, and says it would be observed upon in England, would raise a strong feeling on its exposure and publication, and that the feeling would be such that Her Majesty's Government could scarcely fail to take notice of it. But how? For those prisoners were guilty of a municipal offence against the municipal law of their own country. Suppose, contrary to all probability and possibility, hostilities had ensued upon the late attempt at rebellion in Ireland, and some of the prisoners having been taken and sent to Bermuda or Australia, that the Ministers of France, Holland, Belgium, or any other country had taken it into their heads to object to our treatment of those prisoners and to say, "Don't treat them in that way. Give them their native Parliament on College-green—you are acting cruelly in sending them to Bermuda or Australia. I shall write home to France, I shall write home to Holland, I shall write home to Belgium; and depend upon it your conduct will raise such a ferment of execration and hatred against you, that the President of the Republic, the King of Holland, and the King of Belgium will be absolutely obliged to take notice of it." How should we have received that intimation? I think with a horselaugh; and there was no reason why the Neapolitan King should not receive that despatch of Lord Napier's in the same way, except that he, no doubt, gave it good-naturedly a more polite and courteous reception. Now we thus presume to interfere with the domestic affairs of Naples as neither France nor Holland would dare interfere with ours, and as we never durst interfere with theirs. True, we never should dream of urging the great Republic to treat its rebellious subjects when charged with treason, otherwise than as its Government pleased! True, Naples is a feebler Power than France! But is that all the ground for the proceeding? Is that all the warrant for reading lectures such as those we have read—for doing the things we have done—threatening the things we have threatened—claiming the right we have asserted of protecting criminals imprisoned for rebellion from the justice of their lawful Sovereign? I say that to a generous nation—to a manly, feeling heart—to a person of true British honour and true British gallantry—it is the very reverse of a reason, and makes our conduct the less excusable as it ought to be the more hateful.

But far from words being all we used—far from interfering by requisition and remonstrance being all we did—the British diplomacy and the British Navy were actually compelled to force an armistice upon the Neapolitan Government on behalf of its revolted subjects, and when their revolt was nearly quelled! After Messina had been completely subdued, its forces routed, its walls crumbled, its strongest place captured, our Admiral having a fleet in those waters was resolved it should not be there for nothing. Hitherto he and his captains had only expressed sympathy with the insurgents, and hatred or contempt of their lawful Sovereign. Now that the rebellion was on the point of being put down, by the capture of Catania and Palermo, which, but for us, must both have immediately fallen, now that the last hope of subverting the Throne of Sicily and installing an usurper on its ruins was about to vanish from the eyes of the British seamen, our Admiral, acting in concert no doubt with the British envoy, and inspired with the feelings of our Foreign Office, required a respite to be allowed the insurgents; and determined to back his requisition with his ships. But he was not, we must admit, the principal in this offence against the rights of an independent and friendly State—he has not the blame to bear, or, if you will, he has not the praise to receive of having decided upon this intervention between the King and his insurgent subjects. The French Admiral was the contriver of the scheme. Admiral Baudin formed his own determination, doubtless in order to gratify the mob of Paris, as well as the rebels of Palermo; and our commander, afraid of being outstripped in his favourite course, at once yielded to the Frenchman's request—the one looking to the Boulevards of Paris for approval, the other to the Foreign Office of London. Orders were issued to all our fleet, that they should use every means to prevent the Neapolitans from following up their victory at Messina; and sealed instructions were sent to direct their proceedings should these peaceable efforts fail. Why not make the instructions public? Why not give notice openly of our intentions? It might have prevented the necessity of using force. However, the orders were sealed, and they directed that first the guns should be fired without shot; next, that they should be shotted, but not fired so as to injure the crews of our ally's ships; and, finally, that they should be used as hostilely and destructively as was necessary to accomplish the purpose of forcing Naples to let the Sicilian rebels alone. But it is said, and it is the pitiful pretext of equal treatment to both parties, that the orders were alike to prevent action of the King's troops and the revolters. Was ever there a more wretched shift—a more hollow pretence than this? Keep the Sicilians from breaking an armistice enforced to save them from utter and final destruction! Keep the beaten Sicilian rebel from overpowering his victorious masters! Keep the felon convicted from rushing to the gallows in spite of the respite granted him! Can human wit imagine a more ridiculous pretext than this, of affecting to hold the balance even, when you are preventing the conqueror from improving his victory, and only preventing the vanquished from attempting what without a miracle he cannot do—cannot, even with all your assistance, venture to try? But such was our just conduct in an interference which we had not the shadow of a right to take upon ourselves. We showed our friendly feelings towards an ancient ally by forcibly screening his revolted subjects, and compelling him to delay for nearly seven months the total defeat of those rebels, and the complete restoration of tranquillity. From the 10th of September, when Messina fell, to the 30th of March, when we were kindly pleased to let the armistice expire, the English fleet persevered in reducing the King to inaction, and saving his rebellious subjects from the operation of his armies. But for our own fleet, there is not a doubt that Catania and Palermo must have fallen in a fortnight; but we nursed, and fostered, and prolonged the insurrection for above half a year. Talk of your humanity! Boast of your Admiral and his French associate interposing to save bloodshed! Whose fault was it that Catania, having profited by the respite you forced the King to grant, still held out, instead of opening her gates as soon as Messina had fallen, when the insurrection must have been crushed in its cradle? Who but your commanders and envoys are to blame for the necessity under which they placed the King's troops, of fighting a battle on the sixth of April? That engagement no doubt put down the insurrection; but many lives were lost in it. Five and twenty officers were killed and wounded on the King's side, and some hundreds of men must likewise have expiated their loyalty with their lives—to say nothing of the insurgent loss. Palermo fell without a struggle, after all the boastings of your envoys and captains, and consuls and vice-consuls. Would she have resisted more fiercely in September? The insurgent chiefs fled, and got on board the *Vectis*, one of the two vessels of war which you suffered the Sicilian rebels to fit out in your ports, when you refused all help to your ancient friend's ambassador in checking this outrage on the law of nations; and when by a celebrated "inadvertence" you suffered those rebels to obtain from the Tower a supply of arms, wherewith to fight your ally's armies.

My Lords, I cannot trust myself with the expression of the feelings which are roused by the whole of the papers, to which I have only referred occasionally; they are the feelings with which all men of sound principles and calm judgment will read them all over Europe. I will refer to them no further than to read the indignant denial which the veteran General Filangieri, Prince of Satriano, gives to the charge of cruelty brought against his gallant and loyal army by our envoys and our consuls, and, I grieve to add, our naval commanders. [Lord BROUGHAM here read the vehement, and even impassioned terms in which the General refutes these foul calumnies, charging him, an officer of above half a century's service, with suffering his troops to commit enormities which no military man, of however little experience in his profession, could have permitted.]

Rely upon it, my Lords, that if anything can make more offensive the conduct of our agents in fostering revolt, and injuring the lawful government of our allies, it is the adding foul slander to gross indiscretion, revenging themselves on those whose valour and conduct has frustrated their designs, by blackening their characters, and committing that last act of cruel injustice, calumniating those you have injured, through your hatred of those to whom you have given good cause to hate you.

There is, my Lords, but one course for this country to pursue in its dealings with other States: she must abstain from all interference, all mischievous meddling with their domestic concerns, and leave them to support, or to destroy, or to amend their own institutions in their own way. Let us cherish our own Government, keeping our own institutions for our own use, but never attempt to force them upon the rest of the world. We have no such vocation—we have no such duty, no such right—above all, we have no right to interfere between sovereigns and subjects, encouraging them to revolt, and urging them to revolution, in the vain hope that we may thus better their condition. Then, in negotiation, let us avoid the same meddling policy—shall I falsely call it?—the same restless disposition to serve one State at another's expense; showing favour and dislike capriciously and alternately; guided by mere individual and personal feelings, whether towards States or statesmen; displaying groundless likings for some and groundless hatred for others; one day supporting this Power in its aggression upon that, and when defeated—justly and signally defeated—like Sardinia, clinging to the wish that it should obtain from the victorious party an indemnity for its own foul but failing aggression. Most of all let us abide by the established policy of the country towards our old and faithful friends, not Naples merely, but Austria, whose friendship has been, in all the best times of our most eminent statesmen, deemed the very corner-stone of our foreign policy, ever since the era of 1688; above all, since King William and the Ministers and Government of his successor laid the foundations of that system. But now I can see in every act done, almost in every little matter, a rooted prejudice against Austria; and the interspersing of a few set phrases does little to prevent any reader from arriving at the same conclusion: "Our feelings are friendly towards Austria," and "God forbid they should be otherwise!" I say Amen to that prayer; but when I read the despatches with the light shed on them by the acts of our Government, and of all their agents and Ministers; when by these acts I interpret the fair words used; I perceive the latter to mean exactly nothing, and that those expressions which perpetually recur of an opposite kind speak the true sense of our rulers. But this policy is opposed to the unform authority of our greatest statesmen. Even Mr. Fox, who was sometimes believed to have a leaning towards Russia, from the accidental transactions of 1791, when charged with undervaluing the Austrian alliance in comparison, took immediate opportunity earnestly to disavow any such opinion, and declared that our friendship with Austria was the grand element of our European system.

My Lords, I have detained you longer than I could have desired; but I felt it absolutely necessary to give your Lordships an opportunity of fully considering this momentous subject. That such things as have been done by the Government in Italy and elsewhere during the last twelve months, should pass without awakening your attention, and that your examination of the details should not call down a censure, if for no other purpose than to warn the Ministers against persisting in fatal errors, appears to me hardly within the bounds of possibility. I have, therefore, deemed it my duty to give you an opportunity of expressing the opinion which I believe a majority of this House holds, and which I know is that of all well-informed and impartial persons in every part of the world.

I move you to resolve—

"1. That it is the Right and was the Duty of the Government to require, and to obtain from Foreign Powers, satisfactory Explanations of those recent Movements in the Italian States, which tend to unsettle the existing Distribution of Territory, and to endanger the general Peace.

"2. That it is inconsistent with the general Interests and Duty of this Country to interfere in the Concerns of Foreign Nations, as between their Governments and their Subjects.

"3. That this House regrets to observe in the Conduct of the Government, particularly as shown by the Papers laid before Parliament, a Want of friendly Feeling towards Allies to whom we are bound by Treaty and by natural Acts of Goodwill."

The EARL of CARLISLE said: I should have felt considerable hesitation in presenting myself to your Lordships so immediately after so powerful an orator and so accomplished a debater as my noble and learned Friend is, had it not been from the very sober and temperate tone of the speech he has just made. I am certain that none of the Powers of Europe, and I am sure that none of Her Majesty's Government, can feel otherwise than that this was a compliment due to his speech; but the compliment I thus most gladly pay to that speech, I am by no means able to extend to the resolutions he has given notice of and has now moved; for these resolutions seem to be to gather together and to sum up all the clamour and desultory taunts and insinuations which have been mooted against Her Majesty's Government in the course of the present Session, and to ram down into one very heavy piece of artillery all those separate discharges which have proceeded from the opinions of those diverging political parties into which the country, both in and out of Parliament, is now broken up and divided. We have been frequently told that here we have been too meddling, and there too passive; that here we have been too willing to show our sympathy with revolutionary opinions and parties, and there not sufficiently anxious to respect the independence of even the most democratic institutions. Now, then, I pass from the spirit to the actual wording of these resolutions. I find, in the first, "That it is the right, and was the duty, of Government to require and to obtain from Foreign Powers satisfactory explanations of those recent movements in the Italian States, which tend to unsettle the existing distribution of territory, and to endanger the general peace." Now, just observe here, "it is the right and was the duty of the Government to require and to obtain" satisfactory assurances; why, it may be very properly said it is the right of the Government to require them, but how can it be said it is their duty to obtain them? It is as much as to say, it is the right of all good Christians to pray for good weather, and their duty to obtain it. It may be our right to ask, but how can it be our duty to obtain? Supposing we obtained explanations that were not satisfactory, but wholly unsatisfactory, what then becomes of the duty of the Government? If we lay down this as a rule, the necessary corollary is, that this country ought to go to war if we do not obtain those satisfactory explanations; and that would certainly be a most mischievous rule to lay down in the abstract. Then the second resolution goes on to say, "That it is inconsistent with the general interests and duty of this country to interfere in the concerns of foreign nations, as between their Governments and their subjects." I cordially subscribe to the general tenor of that resolution; but I hold it to be inconsistent with all past history to lay down that in no case ought this country to interfere in the concerns of another country; for there have been times in which it has been held there has been occasion for this, not only in times of war, but in the best times of peace, when our interference could relieve the oppressed, rescue Europe from universal domination, and maintain those principles which we thought essential, without risk to our own interests, and with consummate advantage to the world at large. This resolution would brand our interference in Portugal, in Spain, and in Greece; nay more, it would brand the very principles on which the Dutch Government interfered at the time of our revolution, which led to the Protestant Government of this country, and the succession of the present reigning family. The third resolution goes on to say, in a more marked tone of censure, "That this House regrets to observe, in the conduct of the Government, particularly as shown by the papers laid before Parliament, a want of friendly feeling towards Allies to whom we are bound by treaty and natural acts of goodwill." And to this censure I hope to address myself in the succeeding remarks, for which I have to pray your Lordships' indulgence. I shall begin with that city which in all preceding has obtained, as in all succeeding times it must obtain, a foremost place in the consideration of mankind—I shall begin with Rome, to which my noble and learned Friend has so prominently adverted. With respect to the events which have taken place in Rome, it must be remembered that the ruler of the Roman States, the Pope, addressed a formal requisition to us, through his representative in Paris, asking us to bear a part, in cooperation with other Powers, in endeavouring to effect an adjustment of the differences that had taken place between him and his subjects, and to re-establish his dominion over them. Now, Her Majesty's Government, though sympathising deeply with the Pope, and fully alive to the troubles which afflicted the Roman dominions, thought it their duty to abstain altogether from taking part in the conferences which took place at Gaeta, and from participating in the interference, or in any of the proceedings emanating from them. And herein I am persuaded, after a calm review of the entire affair, that Her Majesty's Government exercised a wise discretion; for, independently of the general reasons which might induce the adoption of such a course of policy—independently of the doctrines laid down in the second resolution of my noble and learned Friend, "that it is inconsistent with the general interests and duty of this country to interfere in the concerns of foreign nations, as between their Governments and their subjects," I must say that I think that a Protestant Government that had not established any diplomatic relations with Rome, could not, either with propriety or delicacy, have placed itself, with respect to this matter, upon a level with those Catholic States of Europe, which were accessible to views and influences in which we could not share. And therefore, though we could not cease to watch what took place in so important and interesting a field of action with the most anxious interest—though we were ready at all times to offer such advice as we thought useful—though we had not forborne to offer that advice where we thought it might prove advantageous; yet, having thought that we should not interfere in such a case—having thought that those persons only who took part in the conferences at Gaeta should, as they have since done, take such overt steps in consequence, as they might decide upon—having thought that it would not be proper that English interference should be exercised to force the dominion of the Pope upon any country whatsoever—we did not think that it would be becoming in us to adopt any importunate or obstructive course with respect to those Powers which have charged themselves with the office of interfering in and settling this long protracted controversy. We did not conceal our opinions upon this subject. Our Secretary of State for Foreign Affairs, in writing to our Ambassador at Paris on the 28th of February, said, that we "most sincerely deprecated any attempt at settling the differences between the Pope and his subjects by the military interference of foreign Powers." And in another letter, still later—namely, on the 9th March—he said that he "did not see, even although those occurrences had taken place at Rome, why the friendly interference of those Powers, without using military force, might not still bring about such an arrangement as would enable the Pope to return to Rome, and re-establish his temporal authority there." Thus much of advice we tendered; and having done so, having shown what we thought the right course to be pursued, we did not make any formal protest, either when the French landed their forces at Civita Vecchia, and proceeded to Rome, or when the Austrians besieged Bologna, and blockaded Ancona, or when the Neapolitans invaded the southern portion of the Roman dominions, or when the Spaniards landed an expedition at Gaeta. I will not deny, because I think it due to higher interests than any party or even any national policy, to acknowledge that things have occurred during the siege of Rome by the French which I cannot view without regret; nor can I withhold my sympathy from the heroic efforts of the defenders—heroism which once again seems to have become the attribute of the Roman name—because I think my noble and learned Friend exaggerated very considerably the number of foreigners who took part in the defence of Rome. The Romans who defended the city were not so few as has been represented; and as to the Poles, and other foreigners from the northern part of Italy, I believe that very few indeed were engaged amongst the Roman forces. But it is due to the French nation, and the able men who have directed their councils, that I should bear the most ample testimony to the assurances which Her Majesty's Government has hitherto rec ived, and continues to receive, with respect to their future disposition and intentions regarding Rome. They unequivocally disclaim all idea of extension of territory, and all notions of conquest. They profess themselves willing to retire at the earliest moment that is consistent with the restoration of order and tranquillity, and with their own honour; and they exhibit a disposition to effect, if possible, a perfect reconciliation between the Pope and his subjects, and the re-establishment of his authority in such a mode and on such an understanding as will be satisfactory to the most national of his subjects. And if such should be the result, as I hope and trust it will, we shall have no occasion to take blame to ourselves; indeed, we shall have, on the contrary, cause for deep satisfaction in thinking that, at a time of great difficulty and embarrassment in the concerns of France—during the changes of administration which deeply affected her interests, at an epoch of danger, and under the risk of an ascendancy which would have convulsed social order both in that country and in every country in Europe—we had forborne, both in the time and tone of our representations, from adding to the embarrassments and difficulties of those upon whose stability and success such vital interests were depending. If we had pursued a contrary course, we might possibly have laid upon the table of your Lordships' House a more plausible despatch, we might have made some pungent remarks upon the nature of the French expedition; but such remarks might, I think, have been dearly purchased by their results. My noble and learned Friend transferred us from Rome to the territories of the King of the Two Sicilies; and that was the only part of his speech as to which the complaint might be made, that he had infused into it a certain bitterness of tone. In speaking of the transactions connected with the affairs of Sicily, the noble and learned Lord adopted a more general bitterness of tone than in speaking of any other of these transactions, wholly forgetting therein the classical caution—

> "Sic tibi, cum fluctus subterhabêre Sicanos,
> Doris amara suam non intermisceat undam."

Thus, in speaking about Sicily, I think his censure was rather unsparingly cast upon the British Government, the British Navy, and British diplomacy—parties which, I think, are in no way amenable to censure. Our old relations with the inhabitants of Sicily—to use the very mildest terms—should have induced us to use our best endeavours to stanch her wounds, even if we had not received invitations from both parties in the controversy to interpose our mediation. My noble and learned Friend opposite was very severe upon the Lord Privy Seal for having compared the rights of the case of the Sicilians with those of the people of this country when they rose against James II. But your Lordships will remember that in the course of the present Session, it was not in a Ministerial despatch, nor from any Member of Her Majesty's Government, but from one of the chief ornaments of the bench opposite (the Earl of Ellenborough), that you heard, with the nervous pith which distinguishes the style of the noble Earl, that the cause of the Sicilians was as good as that of the barons when they rose against King John, or as that of the English people when they rose under the Prince of Orange against James II. But, certainly, if an indictment is to be drawn up against us for the part we have taken in connexion with Sicilian affairs, I must confess that, in my judgment, the most formidable and the most pinching form it could assume would be, that we had not done enough for the Sicilian people—that we should be arraigned for having fallen short of the declaration made by Lord Castlereagh, or the declaration made by the noble Lord opposite (then Sir William A'Court), or of that made by Lord Liverpool, who spoke of the Sicilians as a country having a distinct nationality—for our having, in short, not sufficiently remembered in 1848 what we had done for Sicily in 1812, which only fell short of a guarantee of distinct and separate nationality. It did fall short of such guarantee, and that is our only defence. Our defence is that the Sicilians were always told that we did not consider ourselves bound to such a guarantee. But our assurances only fell short of a guarantee to maintain the constitution which we had approved of, when the people of Sicily, alone amidst hostile Europe, were not only our allies, but what old Rome would have called our clients. But we were bound not to overlook the establishment of Europe which took place at the Treaty of Vienna; we were bound not to overlook the extent assigned to the dominions of the King of the Two Sicilies, notwithstanding some grave causes of complaint on the part of his subjects. We were told at the time of the sulphur quarrel by a noble Lord opposite, that not merely a frigate, but a stout line-of-battle ship, should have been sent to the station to demand redress. But we were anxious to preserve entire the dominion of a prince with whom we have been long at peace, and to bring about a peaceful reconciliation between the King of the Two Sicilies and his Sicilian subjects. As long as we thought it feasible, we laid great stress on the union of the two Crowns. When we thought that no longer feasible, and that Sicilian independence was inevitable, we laid great stress upon the second Crown being placed upon the head of the son of the King of Naples. My noble and learned Friend spoke of the haste with which we took advantage of the offer of the Sicilians to place their crown upon the head of the Duke of Genoa. But there were circumstances then existing which gave us strong reason to fear that delay would be dangerous to the cause of peace, of order, and of monarchy. Prince Cariati said that Naples could do very well without Sicily, and that for his part, as a Neapolitan, he wished Sicily could be got rid of. Cardinal Ferretti gave it as his opinion, that the reconquest of Sicily was out of the question. And, at the same time, we were informed by our Minister at Paris—for it must be remembered that France was not then under a President, nor even under the government of General Cavaignac, but under that of the Provisional Government—that although it was not the wish of M. Lamartine, yet that there was a large party in France who would desire to see a republic established in Sicily. Therefore, if there were no chance that the Sicilians should be rejoined to the Crown of Naples, we wished that some arrangement, whereby they should transfer their allegiance to another monarch, should take place as soon as possible. There was no time to be lost in facilitating the decision of the Sicilians. As to the affair of the Stromboli, there were very conflicting statements made. We were told that the crew of the boat had been deceived by the display of English colours; but that is a deception which is justified by the custom of war. It was then alleged that the affair took place in English waters, and when, after investigation, it was found that the ship was not within the prescribed space, it was ordered that no further interference should take place. But when there was no hope for further accommodation, we did not think that even the force of our old associations and obligations to the Sicilians, nor that even the plea of humanity itself, would warrant us in exercising forcible interference between the contending parties. And it was with rigid, though perhaps reluctant, adherence to that principle, that our ships saw the transports convey the troops of the King of the Two Sicilies to lay siege to Messina. My noble and learned Friend cast censure upon our naval diplomatists; but if he consults the documents, he will see how temperate was their conduct. Sir W. Parker only permitted assistance to be given in cases where the lives and properties of individuals were endangered. My noble and learned Friend, not with fairness, said that if the Neapolitans had been the parties exposed to danger, we would have acted otherwise. But in the attack upon Palermo, it was not Sicilian but Neapolitan persons who were conveyed to a place of safety in the vessels of Her Majesty. The orders given were that there should be no interference in the political dissessions of the people; but that where the lives of either party were compromised, they should be received on board Her Majesty's ships; and in many instances of danger, the aid of Her Majesty's crews was most liberally afforded to the distressed of all countries. When my noble and learned Friend says that one colour runs through all the statements, and that all the officers were in favour of the Sicilians, it is impossible to receive such an accusation; for amongst the British officers are men representing probably every sort of political opinion, but they all loyally endeavour to carry out instructions given to them. The only way in which they could be supposed to join in one opinion, is that they might become impressed, from what they saw before their eyes, with one set of sentiments; and when Palermo was evacuated by the troops of the King of the Two Sicilies, a general feeling seems to have burst forth without control from all assembled; during the retreat of the troops the *Te Deum* was chanted, and then it is stated that thunders of applause followed, in which probably the British officers might join, from the contagion of the enthusiasm. But I have no wish to do more than defend ourselves so far as is necessary from the charges that have been brought against us, not to rip up old sores. I will therefore say nothing about what passed at Messina, except that Sir W. Parker joined with the French Admiral to prevent the proceedings that were taking place on that fatal strand. It seems to be matter for censure, in the view of the noble and learned Lord, that Her Majesty's Government took no steps to indicate their disapproval of what had taken place. Such a course, no doubt, was open to them. By recalling Sir W. Parker, or replacing him on the Mediterranean station, they might have disavowed the act of the British Admiral. They might have said to him, "Why did you disobey our orders? Why did you interfere on your own responsibility?" It might have been well—it might have been advisable, in the opinions of some noble Lords, that Her Majesty's Government should in this way have absolved themselves from all blame or imputation on account of Sir William Parker's proceeding. But I, for one, cannot concur in those opinions, and would have been no party to so ungenerous, so heartless a disavowal. There are occasions, both for individuals and nations, when, for a superior Power to stand by and see a wrong inflicted, which it could, if it would, prevent, becomes baseness to man, and treachery to God. The noble and learned Lord seemed disposed to object very much to one expression that had been employed by the noble Secretary for Foreign Affairs in a document which has been made the subject of so much remark and so many attacks both in this and in the other House of Parliament. Now, what was the language which was addressed to my noble Friend the Secretary of State for Foreign Affairs, in a paper dated in February of the present year by the Representative of his Sicilian Majesty? Why, in that paper he refers to the stipulations which had been confirmed by the settlement treaty at Vienna in 1815, and expresses his conviction that the Court of Great Britain would still manifest for that of the Two Sicilies the same consideration which had always marked the proceedings of the Cabinet of St. James's towards it. Surely any party who had been so seriously aggrieved by the policy of my noble Friend the Foreign Secretary as has been pretended, would hardly have expressed himself in these terms of an ancient ally whose continued friendship and support he was thus anxiously and fondly calling for. The noble and learned Lord has also adverted to a circumstance which has been made the ground of much angry remark, and, I must add, of some undeserved imputations against Her Majesty's Ministers. I think it right to-night to recur to a matter upon which I will briefly state what I know of the facts. My noble and learned Friend's complaint regarded the non-production of a despatch in answer to one of those which was placed upon your Lordships' table last year. I certainly do think that, in reference to ordinary cases and the general rule to be observed in such matters, the non-production of this despatch was a reasonable and a natural subject for animadversion in Parliament. Looking back to all the circumstances of the case, now that we are enabled to judge of their general bearing, it is to be regretted that my noble Friend included this other despatch with those originally communicated. The missing paper related to the affairs of Austria; and this has subjected my noble Friend to an insinuation which I do feel it material to repel; for I am sure that almost every Peer who hears me must feel, with me, that it is impossible my noble Friend could be actuated by any unfriendly policy towards Austria. But if Austria could be really supposed to have been in any way aggrieved—or if she herself believed that she was really the object of any hostile impression on the part of my noble Friend—why was no formal representation made to that effect? There was at this Court an accredited Austrian Minister; there are in this House devoted friends and partisans of the Austrian Government, who might, all of them, have advised a direct appeal in other quarters, supposing that there had been anything to justify this sort of charge against the noble Foreign Secretary respecting the missing paper, or any other document that has passed between the Cabinets of St. James's and Vienna. As to the unfortunate incident of the non-appearance of the paper itself, the fact is that there had subequently arisen in the affairs with which it was the peculiar province of the department presided over by my noble Friend to deal, so many and such urgent matters, the causes of so much grave apprehension and of such complicated difficulties, in the relations of the whole of Europe, that it is probable all thought of the necessity for supplying the omission in this particular class of papers, escaped all the parties in the transaction. This, surely, is no forced or unreasonable mode of accounting for a circumstance that I do not the less lament. But then the noble and learned Lord has argued, throughout his address this evening, on the assumption that the noble Secretary has been moved, in the various negotiations to which that address referred, by ill-will towards Austria. But the noble and learned Lord contented himself with pressing this as a general charge: he did not go on to instance particular cases in proof of it. I can only reply to the noble and learned Lord by as general a declaration, that my noble Friend is incapable of indulging any such feelings. When, however, all the forthcoming papers on these transactions shall be supplied, your Lordships will then be so much the better prepared to meet the noble and learned Lord on this point. Allusion has been made by the noble and learned Lord to the communications interchanged in 1847 and 1848 between the Governments of Sardinia and of Austria, and the Courts of Turin and of London. Now, I do not intend to claim for my Colleagues the gift of prescience; but in reference to those communications I may observe, that my Colleagues may have thought (very fairly and probably, too) that, so far as the resources of superior material strength and military force were concerned, there was somewhat more probability of Austria, at that time, attacking Piedmont, than of Piedmont attacking Austria. That my noble Friend who is charged with the management of the Foreign Affairs of this country, and who has been so often and so recklessly attacked for his administration of them—and, I must add, so much more frequently in his absence than in his presence; that my noble Friend, with the unremitting and devoted attention that he pays to the multiplied duties of his most responsible office; that he, in dealing with the prodigiously increasing calls on his anxious attention, presented by those sudden and violent changes that have lately occurred in the institutions and the condition of almost every State of Continental Europe—that he should never commit an oversight, in following step by step the multiplying combinations of European exigencies; that he should always, in this atmosphere of incessant vicissitudes, take the most expedient step that longer and more uninterrupted deliberation might suggest, or adopt the most appropriate phraseology that in a given instance it might appear to us, who judge after the event, to have been most desirable to employ—I will not take on myself to assert, because I do not wish to assert an impossibility and a miracle. What I do assert, and what the country feels, is, that, after a period of eighteen months without a precedent and without a parallel, we have not only preserved order and tranquillity within our own borders, but we have done much—very much—to promote and restore the general peace of Europe. Allow me just to run over some of the occurrences that have taken place within that period: Paris twice barricaded, twice swept with cannon, three times in military occupation; Vienna, twice in the possession of its insurgent citizens — the Emperor twice obliged to fly; Berlin, perpetually in a state of siege; Pesth, Prague, Buda, and many other cities and towns of Hungary taken and retaken frequently; Milan lost and won; Messina bombarded; Venice still invested, Ancona barricaded; Rome itself seeing its Pope fly from it a fugitive and an exile; and an army, the most famous upon the continent of Europe, now dictating terms to it from the Aurelian wall. On this shifting theatre, my noble Friend, I know, has had a single object in view—that of averting the calamities of war, and prolonging, as far as he could, the blessings of peace to the world; and circumstances only have compelled him, if in his endeavours he has wounded some susceptibilities, and been obliged to run counter to feelings he would most gladly have respected. And if those endeavours have not been successful in preserving peace altogether, my noble Friend has at least done much to prevent the outbreak of a universal war. I know nothing more calculated to excite feelings of patriotic though I trust humbled pride, than the present attitude of this country. In the midst of a warring agitated world, she is unvexed, unmoved, and untouched by the events about her. Her opinion is every day consulted; her good offices constantly asked for, and freely given—her arbitration sought for as a last resort. And, notwithstanding what has been said to-night, no account reaches us which does not tell of our Ministers, our Consuls, and, above all, our naval officers, giving inviolable asylums to the miserable of all climes; and, in the midst of the jealousies of all around, she is opening her ports and extending her markets to all the commerce of the world. And this is the time—it is in the face of such a state of things as this—you come forward with your illogical and unmeaning resolutions. I will only say Her Majesty's Ministers are ready to meet them—they would point to Europe as it is, and to England as it is, and will willingly abide the result.

Lord HEYTESBURY: My Lords, as I have not been in the habit of public speaking, I have never ventured to intrude myself upon your Lordships' attention, nor should I do so upon the present occasion, were it possible for me to remain silent after all that has been said, here and elsewhere, with respect to former transactions in the Island of Sicily, and if attempts had not been made to justify more recent occurrences by a reference to those transactions.

Before, however, I enter upon these matters, I must beg to assure your Lordships that it is neither my intention nor my wish to detract in any way from the high personal character of the noble Lord who was my immediate predecessor in the Sicilian Mission. I believe Lord William Bentinck to have been actuated by the best and most benevolent intentions, and that he carried out those measures which he thought necessary for what was called the regeneration of Sicily, with great energy and vigour. But, in saying this, my Lords, I must at the same time be allowed to express a doubt of the wisdom of the policy which induced him to step out beyond the line of duties prescribed to him as commander-in-chief of a foreign army, sent to Sicily for the sole purpose of protecting it against a common enemy, in order to assume those of a legislator, and of a reformer of the abuses in the government of an independent State, however great those abuses may have been. I may also be allowed to doubt a little of the prudence of aiding in overthrowing an ancient constitution, based upon the rock of ages, and susceptible of any modification, in order to substitute for it that ricketty edifice to which they gave the name of the English Constitution.

But in order to enable your Lordships to form a clear idea of all that actually did take place at that period in Sicily, which has been strangely misrepresented, but a knowledge of which is necessary to a right understanding of all that has subsequently occurred, it will be necessary for me to go into a little more detail, and a little further back than the time that has now been chosen as the point of departure—to that period when it is generally believed that a new constitution was happily established in Sicily—working harmoniously and well, to the perfect satisfaction of its authors, and for the happiness of the Sicilian people.

My Lords, I think I shall be able to show your Lordships that that boasted constitution was never much more than a constitution upon paper; that, with the exception of the substitution of a Parliament called together under an English form, for a Parliament called together under the old Sicilian form, hardly another step was taken towards its enforcement—or even completion; that so far from working harmoniously and well, it scarcely worked at all; and that the very last act of Lord William Bentinck's political life in Sicily was a proposal to the Hereditary Prince to give over the Island of Sicily to Great Britain, under certain circumstances, precisely because he was of opinion that it would be found impossible to establish and carry out that constitution, but under a long continuance of foreign direction and interference.

Had this discussion taken place at an earlier period, I should have been very unwilling to have touched upon these matters; but as thirty-five years have passed over our heads since these events occurred, as most of the actors in these scenes have gone to their long account, I trust I shall not be accused of any indiscretion, if I venture to consider all that then took place, as falling now within the domain of history.

To revert, then, to the year 1813; at the commencement of which year Lord William Bentinck, and those who acted in concert with him, had succeeded in carrying every measure which they thought necessary for a total change and reform in the government of Sicily.

These were—the adoption by the old Parliament of Sicily, formed into a constituent body, of an entirely new constitution, modelled, in great measure, upon that of England. Your Lordships, however, are not to suppose that this constitution was at once carried out and enforced. It consisted of a series of articles containing, doubtlessly, all the elements of a free constitution, which articles, as they emanated from the constituent body, were successively adopted and sanctioned by the Hereditary Prince, acting in the name and on behalf of his father. It was a framework on which the new constitution was to be built, rather than a constitution. The existing laws, tribunals, institutions of every description, were undoubtedly condemned; but they were suffered to subsist until such time as they should be replaced by others more analogous to the enlightened spirit of the age, and through the medium of the new Parliament.

The other measures which were thought necessary, in order to give security to this great work, were—1st. The removal of the Queen, who was embarked on board a British frigate, and conveyed to Constantinople, from whence she was to find her way to her family at Vienna. Various reasons were assigned for this removal, into which, whether true or false, it is unnecessary for me to enter here. 2nd. The removal of the King, who was invited to retire to one of his country palaces, and not to attempt a second time to resume the reins of government, but with the full concurrence of the British authorities. It may be right, however, to mention, that the King's first retirement was voluntary. When he saw the storm that was gathering round him, he went into the country, appointing his son to act during his absence. But when he learnt to what lengths the reforms were to be carried, be came back to his palace of La Favorita, with the intention of resuming the reins of government. He was there met by Lord William Bentinck in person, at the head of a troop of British dragoons, and requested to return to the palace from whence he had come. 3rd. The delegation of the whole royal authority to the Hereditary Prince, under the title of Vicar General. And, lastly, a total change of Ministers, the individuals selected being taken from amongst the men most distinguished for their talent, their undoubted probity, and their supposed influence in the country.

These measures having been carried, Lord William Bentinck appears to have thought that all was accomplished. There was a new constitution very fairly drawn out, there a new Executive, and there a new administrative power, and that nothing more remained to be done but to direct this constitution to march, and that it would march. So entirely persuaded was he of this, that he did not think it necessary to wait for the opening of the first Parliament—the Parliament which was charged with the completion and enforcement of this new constitution, which as yet was only a constitution upon paper. He did not think it necessary to wait for this opening, but embarked to assume the command of the British troops on the east coast of Spain, leaving the affairs of the mission in the hands of a nobleman who was by chance residing at Palermo for the benefit of his health—the late Lord Montgomery; and whatever there might be of irregularity in the appointment, the event proved that he could not have entrusted the business of the mission to wiser, safer, or to better hands.

This first Parliament was assembled a very few weeks after his Lordship's departure. Its early sittings were occupied with verifying the return of the several Members, and fixing the forms and ceremonial of the Chambers. So far all appeared to work harmoniously and well. But no sooner had this Parliament entered upon real business, than very ominous symptoms began to manifest themselves. The time of both Houses was wasted in frivolous discussions, which led to nothing. Attempts were made by the Commons to arrogate to themselves powers to which the constitutional articles gave them no pretence. A violent democratic spirit immediately arose, loud in denunciations and menaces, and scarcely veiling its hostility to the Royal authority. English influence was everywhere decried. Dissensions of an angry nature broke out between the two Houses. Taxes were only voted from month to month; and so far from having put an end to the spirit of anarchy and faction, of which so many complaints had previously been made, the assembly of this new Parliament only seemed to have concentrated its power, and to have given it a more brilliant scene of action.

In the midst of these difficulties, the Ministers, who had been selected for their supposed firmness and vigour, as well as attachment to constitutional principles, quarrelling amongst themselves, and frightened by the noise of the machinery they had themselves set in motion, abruptly gave in their resignations. The Prince, abandoned to himself in the middle of the Session, formed another Ministry, as good, perhaps, as might have been expected under such circumstances, but composed of men without talent, character, or influence. Under such guidance all fell into utter confusion. The dissensions between the two Houses became an open breach, and affairs arrived at such a point, that all the well-wishers to the constitution—all those who had been Lord William's original advisers, and who now surrounded the Prince, were amongst the first to recommend him to dissolve a Chamber from which no possible good could be expected.

As no supplies had been voted, and as the constitution remained, as it had issued from the constituent body, a mere constitution on paper, the Prince very naturally objected to the adoption of so strong a measure. By the advice of Lord Montgomery, he adopted a middle course. He did not dissolve the Chamber, but he prorogued it for twenty days, in the hope that during that interval Lord William might arrive from Spain, and afford him the benefit of his advice and counsel.

His Lordship did arrive the day before the prorogation expired, and immediately requested the Prince to continue it for eight days longer, in the hope, during that interval, of being able to secure such a majority as would permit the Government to be carried on. By dint of great personal exertion, his Lordship obtained promises of support from fifty-four individuals of the Lower House; and the Ministers having declared that, with this addition to their own friends, they would be able to carry on the Government, and complete the constitution, the Parliament was allowed to meet. The very first division showed the weakness, or, as some said, the treachery of the Ministers. They were left in a minority, the Members pledged to Lord William Bentinck being the only individuals who voted on the Government side!

Lord William now became convinced of the hopelessness of completing the constitution with a Parliament so composed; he therefore advised His Royal Highness to dismiss his Ministers and to dissolve the Chamber. The Ministers were dismissed, and the Parliament dissolved; and Lord William at the same time issued a proclamation in his own name as commander-in-chief, declaring his determination to support this necessary interposition of Royal authority. Troops were sent into the interior to maintain tranquillity, which fortunately never was disturbed; and as taxes continued to be levied without any sort of Parliamentary authority, the constitution, though still nominally in existence, was, to say the least of it, in abeyance.

Lord William could not but be greatly mortified at the total failure of this first Parliament. He saw the insecure foundations upon which he had built, and how inevitably the whole edifice would crumble to pieces the very moment the strong hand of England was withdrawn—an event rendered not only probable, but imminent, by the great success which had attended the arms of the Allies in the campaign of 1813, just concluded.

He left Palermo upon a tour of military inspection round the island with these ideas brooding in his mind, so much so, that, upon his arrival on the south-east coast of the island, he was induced to address a letter to the Hereditary Prince, from Catania, in which, after speaking of the great popularity of the constitution, and expressing his conviction that, when properly carried out and enforced, it would tend greatly to the happiness and prosperity of the people, he expressed an equal conviction that it would be found impossible to carry out, or enforce it, without a long continuance of foreign direction and interference. Under such circumstances he ventured to suggest to the consideration of his Royal Highness, as *Le Rève d'un Voyageur*, whether in the event of the restoration of the kingdom of Naples to the Royal Family, which might now shortly be expected, it would not be politic and advisable to give over the island of Sicily to Great Britain, she engaging to keep a force of 10,000 men in the island, and to pay to the Sovereign residing at Naples a sum equal in amount to the existing civil list.

It is undoubtedly true, my Lords, that this was in the shape of a private communication; but when your Lordships recollect the relative position of the two individuals; on the one hand a foreign General, at the head of a foreign army, and actually in military possession of the island—on the other, the head of a constitutional Government—your Lordships will at once see how totally impossible it was for the latter to receive such a hint—such a communication—and coming from such a quarter—without considering it in some sort as official. He did so consider it; and it would, perhaps, have been his duty, in a constitutional point of view, to have called his Council together, and to have laid this paper before it. But his Royal Highness did no such thing. He followed a line of policy much more in accordance with the usual march of Italian diplomacy. He sent it to the Sicilian Minister, in London, directing him to make what use he could of it, for the advantage of the King, his father, and of his family.

Upon the receipt of these instructions, the Sicilian Minister addressed a note to Lord Bathurst, who, in the absence of Lord Castlereagh, was charged with the seals of the Foreign Department, requesting to be informed, for the satisfaction of his Government, whether Lord William Bentinck had been instructed to propose to the Hereditary Prince to give over the Island of Sicily to Great Britain in exchange for an annual payment equal in amount to the civil list?

Lord William had given no intimation to his Government of his correspondence with the Hereditary Prince, nor in any of his letters had he ever hinted that such a scheme would be just, politic, or feasible. He had said nothing whatever upon the subject: Lord Bathurst, therefore, very naturally concluded that the Sicilian Minister, who was a very warmheaded as well as warmhearted man, had acted upon some of the idle rumours, then in general circulation, with respect to the ultimate views of England upon the Island of Sicily, and therefore did not hesitate to reply—

> "that he was surprised that such a question should be addressed to him—that certainly no such instructions had been given, nor had any such idea ever entered into the contemplation of the British Government."

Upon the receipt of this answer, the Sicilian Minister inclosed to Lord Bathurst a copy of Lord William Bentinck's letter to the Hereditary Prince, commenting in no very measured terms upon the danger of employing a man capable of taking such an immense responsibility upon himself without instructions, and demanding his removal.

The Government was a little embarrassed by this second note, for although the proceedings of Lord William had been distinctly disavowed by Lord Bathurst in his answer to the Sicilian Minister's first application, yet it was apprehended that, if something more were not done, not only the Sicilian Government, but others of our Allies, who were watching our proceedings in Sicily with great attention, might not be very easily convinced that any Foreign Minister would venture to take such a responsibility upon himself without being at least assured of the wishes of his Government. It was therefore determined to separate the diplomatic from the military functions, both of which had hitherto been exercised by Lord W. Bentinck, and for which a very sufficient pretext might be found in his Lordship's continual and very inconvenient absences from the seat of Government, and, leaving him in the command of the Mediterranean army, in which capacity he had acquitted himself greatly to the satisfaction of both Governments, to entrust the diplomatic affairs of the country to other hands.

It was under these circumstances, my Lords, that I was summoned to the Foreign Office, the whole of this correspondence communicated to me, and I was invited to go out to Palermo to assume the direction of the diplomatic affairs of the country. I was directed to proceed, in the first instance, to join Lord Castlereagh, wherever he might be on the Continent, and, having received my final instructions from him, to proceed to my destination.

I found Lord Castlereagh at Dijon, but found him stepping into his carriage in order to proceed to Paris, he having just received intelligence of the entry of the Allies into that capital, and the retreat of Napoleon to Fontainebleau. He told me he had no time then to enter into any discussions upon Sicilian affairs, which had, in fact, become but of secondary importance; but he invited me to follow him to Paris, where we might talk the matter over, and from whence I might afterwards proceed to my destination.

I did follow his Lordship to Paris, and after remaining for three weeks in constant communication with him, proceeded to Marseilles, furnished with a letter to the British officer in command in those seas, directing him to afford me a passage in one of His Majesty's frigates to Palermo.

In the meantime, Lord William Bentinck, having completed his tour of military inspection, left Sicily in order to assume the command of the British forces in Italy, totally unconscious of all that had occurred in consequence of his letter from Catania. It was not till his arrival in Genoa, that he was made aware of what had taken place. He then determined to return to Palermo, to place matters upon the best footing he could, previously to the arrival of his successor. He had reached Palermo only a few days before I made my appearance.

My first step was to see Lord William Bentinck, and to communicate to him, without reserve, all the instructions I had received, written as well as oral, and to declare to him that I would neither notify my arrival, nor take any part in Sicilian affairs, until all his arrangements were concluded, and he should express a wish that I should assume the direction of affairs. His Lordship expressed himself perfectly satisfied with this arrangement, and, I must confess, I was equally so; for it was easy to be foreseen, that a question must immediately arise, in consequence of the termination of the war—a question of extreme delicacy and difficulty—the solution of which, I thought, might be much better left to the author of the constitution, than that it should fall to my lot to solve, as a first step, on arriving in Sicily.

The question was this, my Lords—what conduct was to be pursued with respect to the King? who, humiliated in his own eyes, as well as in those of his subjects, by the harsh treatment to which he had been exposed, could not be believed to be entirely approvant of the new order of things which had been established during his forced absence from the Government; and it might, therefore, be apprehended that his resumption of the reins of power would be but a first step towards the downfall of the new system. Yet how was this resumption to be prevented? Above all, how prevented a second time by the interposition of British bayonets? So long as the British General was charged with the military defence of Sicily, he might be supposed to be responsible for its internal as well as its external peace and tranquillity, and this gave a qualified right of interference. The necessity constituted the right; but with the cessation of that necessity, and the termination of the war, all pretence or excuse for further interference in the internal government of the country was entirely at an end.

This difficulty soon occurred to the Prince, and was the subject of several discussions in the Cabinet, at which Lord William was invited to attend. It was ultimately determined, with his Lordship's full concurrence, that the Prince should write to his father, inviting him to resume the reins of government, as it was thought less dangerous for the new system that the King should come back by invitation from those in power, than that he should come *in motu proprio*, surrounded by all the rabble of Palermo, who would not have failed to carry him in triumph to his palace.

The King accepted the invitation—came back to Palermo, when the Ministers, following the example of the Prince, tendered their resignations, and the portfolios were given back to the same incompetent individuals who had been dismissed at the period of the late dissolution of Parliament. Lord William, on my arrival, had expressed a wish to remain till the opening of the second Parliament, which was shortly to take place—a wish to which I readily acceded. But certain information which reached him, as to the disposition of the new Parliament, induced him to change his mind. He requested me to take charge of the mission, took leave of the King, and his final departure from Sicily.

Now, my Lords, I wish to draw your attention to the position in which affairs stood, on my assuming the direction of the British mission. The constitution still remained in the same state in which it had issued from the constituent body. The Parliament, which was to have carried it into operation, had been cashiered, at the recommendation of Lord William Bentinck himself, on account of its revolutionary proceedings. His Lordship's real opinion of the probable durability of the work may be gathered from his own letter to the Hereditary Prince; and now, to crown the whole, we had a sovereign replaced upon the throne—necessarily, inevitably, I am ready to admit—but known to be directly opposed to the whole system; and yet it was through him, and by him, that this great work was to be accomplished! Such was the satisfactory state of things which it has been said I found upon my arrival in Sicily.

The second Parliament met a few days after I had presented my credentials. It was opened by a speech from the throne, moderate, constitutional, and which appeared to give general satisfaction; but hardly had the King returned to his palace, and the two Houses to their respective chambers, than a motion was made in the Peers for the appointment of a Committee to inquire into the gross violations of the constitutional articles which had taken place, referring more particularly to the elections, recently terminated, which had been conducted under such a system of corruption and intimidation, that it was impossible, it was said, to consider the Members then assembled in Parliament as the legal representatives of the nation.

The Peers had the good sense to see the inextricable confusion into which the country would be thrown by the appointment of a Committee by the Peers, to inquire into the elections of the Commons; the motion was consequently rejected; but, as the facts stated were undenied, and apparently undeniable, they did concur in an address to the King, praying His Majesty to dissolve the Parliament, and to call another.

The Ministers represented to the King the impossibility of carrying on the Government with two Chambers at open war with each other, and therefore advised him to comply with the wishes of the Peers. The King, nothing loth, listened to this advice, and the Parliament was again dissolved.

Whilst these questions were pending, I was strongly urged by several Members of the moderate constitutional party, to use all the influence I might possess as British Minister, in order to prevent the dissolution. I represented to these gentlemen that the position of the British Minister was altogether changed by the termination of the war, and that this dictatorial interference in the internal affairs of the country could no longer be permitted; that I had no power to prevent the dissolution, nor, even if I had possessed the power, should I be willing to exercise it in opposition to what they admitted to be the king's legal prerogative, nor by interference render myself responsible for the good conduct of a chamber assembled under such circumstances.

This answer, my Lords, did not give satisfaction. Those gentlemen either could not, or would not, understand that the termination of the war had produced any change in the position of the British Minister. They still appeared to consider that he had been sent to Sicily for the sole purpose of supporting them and their views, and that, whether those views were in themselves just or unjust, any lukewarmness on his part in supporting them was a manifest dereliction of duty. It was in order to place before the nation in a clear point of view the altered position of the British Minister, that I drew up, and circulated amongst the leaders of the different parties, before the opening of the next Parliament, a paper, in the form of a memorandum, in which I endeavoured to point out in what respect this position was changed. I need not enter into any detail upon the matter, as the memorandum itself has been laid upon your Lordships' table. But I have drawn your Lordships' attention to this paper, because it has been affirmed that it was sent out from England for the purpose of being circulated at the period of the evacuation of the island, and that it contained a guarantee, implied if not expressed, of the new constitution.

My Lords, this memorandum was not sent out from England—whatever may be its merits or demerits, they rest entirely with me. It was not circulated at the period of the evacuation of the island, but nine months before that event took place; nor did it allude in any way to what might be the conduct of the British Government under such circumstances. It related, my Lords, exclusively to the altered position of the British Minister, and to the state of parties as they existed previously to the meeting of the third and last Parliament. It was, moreover, another attempt to bolster up what was but too evidently a falling cause. It contained no guarantee, either expressed or implied. In truth, my Lords, it is somewhat difficult to understand what is meant by a foreign guarantee of a constitution. I can readily comprehend that a party, for party purposes, might wish to strengthen itself by means of a foreign guarantee, or in any other manner; but I never can believe that any well-established Government—any nation having a sense of its own dignity and independence—could wish to invest any foreign Power, however friendly, with the right of perpetual interference in its domestic concerns. Nor can I well understand how any foreign Power, possessing a grain of common prudence, should wish to involve itself in all the squabbles, in all the entanglements, in all the ingratitude, which such a guarantee would generate; for in point of fact, my Lords, disguise it how we may, a foreign guarantee of any constitution is a direct violation of the very first principles of constitutional government.

This paper was well received, and tended materially to the greater degree of moderation which was at first exhibited in the new Parliament. All idea of the impeachment of the late Ministers, which had been entertained by the Court party, and in which it would have been supported by the extreme democratic party, was entirely given up; the Commons satisfying themselves with passing a vote of censure upon the late as well as upon the present Ministers, for continuing to levy taxes without Parliamentary authority. Some laws were also passed highly satisfactory to the people. But this moderation had no very long duration. When the Parliament met again after the Christmas recess, and the two great questions were brought forward, that of the supplies, and that of the revision and enforcement of the constitution, all the old dissensions broke out again with as much violence as ever.

With respect to the supplies, each class seemed desirous of throwing the burden upon another. The Commons proposed to throw the principal burden upon the Church. The lay Peers would probably not have objected to such an arrangement had they not been given to understand by the ecclesiastical Peers (who formed a much more formidable body, in point of numbers, in the Sicilian Parliament than in this), that, if they lent their assistance to the Commons in throwing these new burdens upon the Church, they would, on their side, lend their assistance to the Commons in passing two laws extremely objectionable to the Barons—the rectification of the Rivello, and the abolition of entails. This produced a union founded upon common interest, by which the intentions of the Commons were defeated.

After this all fell into confusion. Nearly everything that came from the Peers was rejected by the Commons—nearly everything that emanated from the Commons experienced the same fate in the House of Peers. Upon one occasion, when it was hoped to reconcile existing differences by a conference, this conference met and separated again without coming to any decision. Upon the return of its Members to the House of Peers, a resolution was passed, that, until the point in dispute was conceded, with the exception of money Bills, it would not only not pass, but not even read any Bill that might be sent up from the Commons. The Commons, nothing daunted by this resolution, expressed an approbation of the conduct of their Members, and a determination not to give way.

It was under these melancholy circumstances that I received the visit of one of the most distinguished men in the country—a nobleman who had been exiled for his liberal principles before the arrival of Lord W. Bentinck in Sicily—had been recalled through his influence—placed in the Council—had been one of his principal advisers in the establishment of the new constitution, and was now the acknowledged leader of the moderate constitutional opposition in the House of Peers. I have no hesitation in naming him, as I have nothing but good to report of him. It was the Prince Villhermosa, better known under his former title of Castel-nuovo. He came to me, he said, deputed by all the leading Peers, to request that I would find means of conveying to the knowledge of the King the painful conviction at which they had arrived, of the total impossibility of revising or completing the constitution, through the instrumentality of the two Chambers. That, in the opinion of the Peers, the only chance that remained of bringing this great work to a successful issue, would be for the King himself to name a Committee composed of a few Members of both Houses, to whom some of the magistracy might be added, and to this Committee should be confided the task of modifying where necessary, and of completing the constitution; and that the result of its labours, having received the sanction of the King, should, by His Majesty himself, be presented to the nation as the future law of the land. That they also thought that the King would do well, before he took any steps in this business, to surround himself with the whole Council of State, in order to give a greater solemnity to the proceeding, and to strengthen the hands of a Government notoriously unequal to the crisis which had occurred. That the Peers addressed themselves to me because they considered the British Minister to be the natural guardian of the constitution, and because there were none of their own body sufficiently in the King's confidence to presume to speak to him upon the subject. Upon receiving this communication, I immediately repudiated the responsibility with which the Peers were desirous of investing me, of being the natural guardian of the constitution. I told the Prince, that in no country could there be any other natural guardian of the constitution than the nation itself. That the task they wished to assign me would be in direct opposition to the line I had hitherto followed, and in direct violation of every principle laid down in the paper I had lately circulated, and which had met with his entire approbation. That it could only be done by demanding an audience of the King, which audience would be misunderstood, and most assuredly misrepresented; for although he, and the party that acted with him, were desirous of a more direct and immediate interference on the part of the British Minister, he could not but be aware with how much jealousy his proceedings were watched by what was called the Court party, and still more by that violent democratic party which unfortunately formed the majority in the House of Commons. That, under such circumstances, it was impossible for the British Minister to constitute himself the channel of communication between the King and his subjects, and still less the organ of the House of Peers. But, though officially I could take no part in the matter, I would, if the only object of the Peers was to convey their sentiments to the King, undertake to repeat to an individual I named, who was known to be entirely in the King's confidence (but as mere matter of conversation), the whole of what had passed; in the full confidence that it would be repeated to His Majesty in the course of a very few hours. That the King would then decide in the manner that should seem best to himself, but that that decision I would not attempt to influence.

This offer was accepted. The information was conveyed to the King, and graciously received; and His Majesty determined, as soon as the religious ceremonies of Easter week were over, to call to his presence some of the leading Peers, and, having listened to what they had to propose, to come to a determination upon the subject. The result was, that although the King did not deem it prudent to call the whole Council of State together, he added the Princes Villhermosa and Cossaro to the Cabinet, without portfolios, in order to give more strength to his Government. The first step of this new Ministry was to engage His Majesty to send down a message to the House of Commons, urging it to turn its immediate attention to the question of supplies. The House received this message with great indignation, considering it to be an infringement upon its privileges. Some very violent speeches were made, and a Motion to call the whole of the Cabinet to the bar of the House, in order to be publicly reprimanded, was only lost by the casting vote of the Speaker. No supplies were voted; but a Committee was named to endeavour to reconcile all differences with the Peers, with the view to a united resistance to any attempt to interfere with the privileges of either House. The gravity of these circumstances was greatly enhanced by the accounts arriving from the Continent about this period: the triumphant progress of Napoleon from Elba to Paris, the great military preparations going on in the kingdom of Naples, and the imminence of a general war.

Some time having again elapsed, without any decision with respect to the supplies, the King was advised by his Ministers to make another appeal to the Commons for the necessary grants, and to make that appeal in person. In compliance with this suggestion, the King went down to the House of Peers, and, having summoned the Commons to the bar, explained to them the state of penury to which the Government was reduced. He also informed them that the war had actually commenced by an attack made upon the Austrians by the Neapolitan troops under Murat, in the North of Italy; that he been strongly urged by his Allies, particularly by the Emperor of Austria and King of Sardinia, to effect as strong a demonstration upon the opposite coast of Calabria as the forces at his disposal would allow; that, consequently, a force was assembling at Melazzo, under the command of the British General, Sir Robert M'Farlane, composed partly of British and partly of Sicilian troops, in order to carry this plan into effect; that he was very desirous of joining this expedition in person, but that it was evident he could neither do so, nor even continue to carry on the ordinary government of the country, without their assistance. He said he had directed his Minister of Finance to lay a statement of the wants of the nation before them; but that if, after the expiration of a reasonable time, they should be either unable or unwilling to come to any determination upon the subject, he should feel himself compelled, in the true interests of his people, to adopt those more vigorous measures which circumstances might require and necessity justify.

This speech made a considerable impression upon the House, and, what was, perhaps, of still greater importance, was very favourably received out of the House; so much so, that the Commons at length deemed it advisable to take the question of supplies into consideration; and if the King's requirements had been zealously supported by the Ministers, there can be little doubt but that all the demands made would have been accorded. But, owing to some petty jealousy of the Prince Villhermosa, the other Ministers were so lukewarm in their support of these demands, that, although supplies were at length voted, they were not sufficient to meet the exigencies of the State, and the burden of them was thrown upon objects which could little bear any additional taxation. Such as they were, however, the King was under the necessity of accepting them. He was pressed for time, and dared not make another appeal to the generosity of the Parliament, which would very probably have ended in the refusal of supplies altogether.

There now remained but the question of the revision and completion of the constitution. The Ministers were desirous that this should be done by the King alone—that he should dissolve the Parliament and appoint the Committee. The Prince Villhermosa very properly opposed himself to this unnecessarily unconstitutional proceeding. He undertook that a Motion should be made in each House, inviting the King to charge himself with the nomination of a Committee for the purpose contemplated. This Motion passed without the slightest difficulty in the Peers, but it met with great opposition in the Commons; and, though the address was ultimately carried, it came saddled with a proviso that, whatever might be the result of the labours of the Committee, the whole should again be submitted to the Commons previous to execution—a proviso evidently leading to the same scenes and the same difficulties in the new Parliament which had so unfortunately prevailed in that now assembled.

The King, however, was induced by his Ministers to accept the charge proposed to him. He did so by Royal Commission. The Commissioner informed the House that the King would proceed immediately to the nomination of the Committee, to which he would issue instructions for the regulation of its proceedings. He also announced to the Commons that the King was about to proceed immediately to Melazzo, and had been pleased to appoint the Hereditary Prince to act for him during his absence; that under such circumstances their presence was no longer necessary in the capital, and he was instructed to prorogue the Chamber.

The Parliament was dissolved the same night. A decree appeared the following day, appointing the Committee. It consisted of six Members of the House of Peers, six Members of the House of Commons, and six members of the magistracy, to whom was confided the new organisation of the tribunals, and the completion of the new codes. It was at that time hoped that the labours of this Committee might be brought to a conclusion in the course of the year, and a new Parliament be then assembled under better auspices. My Lords, from the moment that the two Houses of Parliament concurred in addresses to the King, calling upon him to name a Committee for the purpose of revising, rectifying, and completing the constitution, any responsibility which might have been supposed to attach to Great Britain, on account of the active interference of its representative in the earlier stages of these transactions, fell at once to the ground. When this was followed by the withdrawal of our troops, and by the cessation of the subsidiary payment, all pretence or excuse for further interference in the internal government of Sicily, terminated also. The Sicilians had now their constitution before them, which, even if it had not altogether originated with them, was at least theirs by adoption, and it was now for the nation to support the privileges it had obtained, without any further reliance upon foreign interference. If the nation had neither the courage nor the will to do this, it was quite evident that either Sicily was not ripe for such a constitution, or that the Sicilians were unfit to appreciate or enjoy it. In either case, from that moment, the responsibility of England was totally and entirely at an end.

The sequel is quickly told, for in that England was only called upon to play a passive part. Murat fell, and the seat of Government was transferred to Naples. For nearly a year nothing was heard of the proceedings of the Parliamentary Committee; but at the commencement of 1816, I was informed by the Marquess de Circello, the Minister for Foreign Affairs, that it had not advanced one step. That, notwithstanding the urgent instances of the Hereditary Prince, it had seldom met, and when it did meet it decided upon nothing. That some of its Members absented themselves altogether from personal motives; others were lukewarm in their attendance under the persuasion that this constitution could never be adapted to the circumstances of the country; but the greater number came with the full determination of doing nothing, in the hope that, if nothing were done, the Government would find itself under the necessity of calling the Parliament together in the same form in which it had existed at the period of the dissolution, the taxes all expiring at the end of the year.

This attempt to complete and modify the constitution having proved as unsuccessful as every other attempt which had been made with that object, the Marquess went on to say, that some further interposition of the Royal authority was become inevitable, for if the Parliament were allowed to meet in the same form and in the same spirit in which it had hitherto existed, there could not be the slightest doubt but that by the violence of its proceedings and language, backed by the extreme license of the Sicilian press, it would soon spread the revolutionary spirit into His Majesty's continental kingdom; and there he was precluded by his treaty with Austria from introducing any form of government at variance with the system by which the Italian provinces, under the House of Austria, were governed. But notwithstanding the existence of this treaty, and notwithstanding every publicity that might be given to it, it was impossible, the Marquess said, to believe that the inhabitants of the larger kingdom would remain the tranquil spectators of all that was passing in Sicily without an attempt to secure for themselves equal privileges. A revolution would become inevitable, the flames of which would spread through the whole of Italy, and the general peace of Europe be again endangered.

The Marquess then informed me that this danger had occupied the attention of the representatives of the great European Powers who had lately been assembled at Milan for the coronation of the Emperor Francis, so much so, that Prince Ruffo, the Neapolitan Ambassador at Vienna, (himself a Sicilian,) had been induced to draw up a *mémoire* upon the subject for circulation amongst the diplomatic body.

A copy of this paper the Marquess placed in my hands for perusal. It was a long, able, though perhaps rather highly coloured picture of the anarchy which had prevailed in Sicily ever since the first attempt made to change the form of its constitution. After expatiating at some length upon this subject, the Prince proceeded to point out the dangers with which Italy was menaced by the immediate propinquity of so turbulent an assembly; an assembly which had already rendered itself so hateful to the great majority of the Sicilian people by the violence of its proceedings, that he pledged himself not the slightest obstacle would be opposed to its suppression and a return to the old order of things, unless such opposition should be stirred up by the active interference of any preponderating foreign Power. The paper concluded by requesting the good offices of the Allies to draw from the British Government some explanation of its views upon the subject, and whether it would abstain from active interference in the event of the King finding it necessary, in the true interest of his people, to put an end to the Parliament of 1812, and to revert to the older system.

The Marquess further informed me that this paper had already been transmitted to the British Government, and a copy sent to the Neapolitan Representative in London.

When I learnt that the British Government was already in possession of this paper, and that the question had, in fact, become a European question, I did not think it advisable to enter into any discussion with the Marquess de Circello upon the subject, but to wait for instructions. I satisfied myself with observing to him, that I thought he would find it extremely difficult to obtain from the British Government any approbation of the proposed measures—that assuredly no pledge would be given such as that which they seemed to expect—and that, in my opinion, the views and wishes of Great Britain had been sufficiently clearly expressed in the paper I had myself circulated two years before, and that I did not see what reason His Sicilian Majesty had to expect any further explanation.

Here the subject was allowed to drop for the moment.

It so happened that, before this communication was made to me, I had obtained permission from my Government to absent myself from my post for a short time upon urgent private business; but I delayed my departure for some weeks, in the expectation of receiving some instructions from my Government upon these subjects. None arriving, I proceeded to England in the month of May; it was, therefore, not until my return in October that I was enabled to communicate to the Neapolitan Ministers the decision of the British Government.

This was done by the communication of Lord Castlereagh's despatch of the 6th of September, an extract from which has lately been placed upon your Lordships' table. I was directed to say that, as far as regarded the Prince Regent's own conduct, His Royal Highness must decline any interference in the internal affairs of a foreign and independent State, which his own honour and the good faith of his Government should not strictly impose upon him.

That the Prince Regent would consider such interference imposed upon him as a duty, if those individuals who acted with the British authorities during the late difficult times in Sicily, should be exposed to either unkindness or persecution on account of such conduct.

His Royal Highness would feel himself equally compelled, however reluctantly, to interfere, if he had the mortification to observe any attempt made to reduce the privileges of the Sicilian nation in such a degree as might expose the British Government to the reproach of having contributed to a change of system in Sicily, which had, in the end, impaired the freedom and happiness of its inhabitants, as compared with what they formerly enjoyed.

With the above reserve, His Royal Highness must wholly exonerate himself from the responsibility of any interference whatever. He felt that he had neither the means nor the right to judge of the necessity of the change—the extent to which it should be carried—nor the mode in which it should be effectuated.

I was directed not to fail to do justice to the principles upon which the British Government was alone induced, when charged with the defence and security of that part of His Sicilian Majesty's dominions, to interfere in its internal concerns: the necessity constituted the right, and with the discontinuance of the necessity, every pretension, as well as disposition, on the part of Great Britain, to interpose had also ceased, except so far as the considerations of good faith and honour above alluded to, and which arose out of our former position in Sicily, might again impose it on us as a duty.

After having made this communication to the Neapolitan Ministers, I received the strongest assurance that the two reserves alluded to in Lord Castlereagh's despatch should be most religiously attended to. That, so far from any persecution of those who had acted with the British authorities in Sicily, all those amongst them who were qualified for office, and who were disposed to accept office, should be included in the new arrangements; and that, by the decree about to be issued, all the privileges and concessions at any time granted to the Sicilians by His present Majesty, or any of his royal predecessors, should be distinctly ratified and confirmed.

Very shortly after this interview the three decrees were issued, known by the name of the Arrangements of 1816.

The first declared the union of the two kingdoms, and that His Majesty would for the future assume the title of King of the united kingdom of the Two Sicilies. The second established a Grand Chancery, presided over by the Grand Chancellor, in which all decrees and laws were to be registered. Also a Grand Chancery Council, composed of Sicilians as well as Neapolitans, in which all decrees and laws were to be discussed previously to their being submitted by the Secretaries of State to the King in Council. This new Council virtually put an end to the legislative powers vested in the Sicilian Parliament by the constitution of 1812; but as the older Sicilian Parliament possessed no legislative powers, this arrangement fell not not within the meaning of Lord Castlereagh's reserve. The third decree related exclusively to Sicily. By its first article the King ratified and confirmed every concession at any time made to the Sicilians by himself or by his royal predecessors. It then guaranteed many personal advantages to the Sicilians. The exclusive enjoyment of every place of honour and emolument in the island. With respect to all higher offices, as the population of Sicily formed as nearly as possible one-fourth of the population of the united kingdom, the Sicilians to possess by right one-fourth of the seats in the Cabinet—the same in the Council of State—the same in all the great offices at Court—the same in all diplomatic appointments. The army and navy to be open without distinction to both people. The seat of Government to be wherever the King resided. If at Naples, a prince of the blood, or some person of the highest distinction, to reside as Viceroy at Palermo. If in Sicily, such Viceroy to reside at Naples. The fixed revenue of the State to be that voted by the Parliament of 1813, subject to the interest of the debt contracted in Sicily, and the charges of the sinking fund. This to be the maximum, subject to diminution at the King's pleasure. According to the forms of the old constitution, the King to have no power of imposing taxes, exceeding this fixed revenue, without the consent of the Parliament.

Two other articles were added, undoubted boons to the Sicilians, both of which, indeed, had been decreed by the constitution of 1812, but never carried into execution — the abolition of all feudal rights and privileges, and a new organisation of the tribunals. This was immediately followed by the introduction of a new code of laws, founded upon the Code Napoleon. Hitherto the jurisprudence of Sicily had rested upon a collection of royal decrees, many of them obsolete, many of them highly iniquitous, having been extorted by Court favour, and very many of them contradictory. Instead of this confused mass of legislation, the new code was now introduced which had been established by the French in the kingdom of Naples, where it had been found to work admirably.

These decrees were published at Naples at the end of December, and immediately afterwards at Palermo. It might have been supposed that their publication would have led to some disorders in that turbulent capital. My Lords, they were received with the most perfect indifference! No complaint nor remonstrance was addressed to the King by any municipality, by any corporate body, nor from any other quarter, either at the time of their promulgation, or during the three years they continued in force. At the end of that period, as your Lordships well know, a military revolution broke out in the kingdom of Naples, which led to the adoption of the Spanish constitution. The Palermitans resisted the introduction of this constitution in Sicily, and much blood was spilt in the streets of Palermo; but a large force of Neapolitans having been sent over, under General Florestan Pepe, the insurrection was speedily suppressed.

But this new constitution was also of very brief duration. A Congress was assembled at Laybach in the following year, which was attended by several of the principal Crowned Heads of Europe, and to which His Sicilian Majesty was also invited. It was there determined that an Austrian army should march upon Naples, in order to replace the King upon his throne, who, free and unshackled, should then give that form of government to his people which he should deem best calculated to insure their happiness and prosperity, after having consulted with the best and wisest of his subjects.

I shall not follow the events of that disastrous campaign. The Neapolitans scarcely made a show of resistance, and the Austrian army marched into Naples with the same facility it would have marched into its own capital. This army was shortly followed by the King and by the Plenipotentiaries charged with the execution of all that had been decided upon at Laybach. A *Consiglio di Stato* was immediately assembled, presided over by the Hereditary Prince, to which the King submitted the new form of government which he had decided upon. It was immediately accepted and proclaimed.

This new form of government put an end to the Spanish Constitution—as the Spanish Constitution had put an end to the Arrangements of '16—as the Arrangements of '16 had put an end to the Constitution of '12—and as the Constitution of '12 had put an end to the older Sicilian Constitution. In all these later arrangements England had no share.

I have now, my Lords, given your Lordships an outline of the whole of our former connexion with Sicily and its Government; and when I look back, after the lapse of so many years, to all that then occurred—setting out of the question our first interference with the internal government of Sicily, which I hold to have been a political blunder—setting that out of the question, and that step having been taken, I do not see what other course the British Government could have pursued, unless, indeed, we had been prepared to act upon the last suggestion of Lord William Bentinck—to have taken possession of the island, and to have governed it on our own account—I need hardly point out to your Lordships the difficulties and dangers which would have attended such a proceeding.

Very shortly after the promulgation of these new arrangements, I was appointed to succeed Sir Henry Wellesley at the Court of Madrid, and left Naples for my new destination. I am, consequently, unable to give your Lordships any account of what passed subsequently to the close of the year 1821.

I am not aware that there is any other point upon which it can be necessary for me to touch. I have only to thank your Lordships for the patient attention with which you have listened to a very tedious, and, I fear, a very ill-told tale. Had the matter fallen into other hands—in the hands of one more accustomed to address your Lordships—nobody can be more conscious than I am that it would have been brought before you in a more clear, more intelligible, and certainly in a more satisfactory form.

The EARL of MINTO: The noble Lord who had just sat down had certainly shown that he was not open to the reproach directed against him (Lord Minto) by the noble and learned Lords opposite, of any fondness for free government. Both those noble Lords talked as if free government, constitutional government, representative government, was established in Sicily for the first time in 1812; and they spoke of it as a wild experiment of Lord William Bentinck's, undertaken apparently without any authority from his own Government. Now, in the first place, he must endeavour to vindicate the memory of Lord William Bentinck from this reproach; because, as was well known to every one who had looked into the history of these transactions, on his arrival in Sicily, finding the Court engaged in treacherous intrigue with France, and in a course of arbitrary measures subversive of the constitution and of the rights of the nation, Lord William immediately left the island and proceeded to England, in order to confer with his own Government as to the course which should be taken. He did communicate with his own Government; and it was under their instructions that he took those measures which he immediately afterwards resorted to, in restoring and remodelling the old constitution of Sicily. Now, then, with regard to the constitutional rights and experience of the Sicilians, many of their Lordships might not be aware that that country had been for nearly as long a period as ourselves in the enjoyment of a free Government, which dated from the 11th century. It was towards the close of the 13th century, in the year 1296, that the statutes of Frederick II. of Arragon, considered as the Magna Charta of Sicily, were enacted; and though this charter was dated eighty-one years later than the charter of King John, of which Englishmen were so justly proud; yet he must be allowed to say that the Sicilian charter was, of the two, the larger and more liberal in its provisions. The successors of Frederick, of all the various dynasties that ruled in Sicily, had sworn to that charter. It was sworn to by the great grandfather of the present King, the first of his dynasty, and by his successors on their accession to the Crown. So far, therefore, from its being true, as assumed by some noble Lords, that constitutional government was wantonly introduced for the first time in 1812, it appears that the Sicilians are entitled to contest with ourselves the antiquity and constant possession of free representative institutions. Nor was this constitution an empty form, with the mere privilege of taxation, as represented by the noble Lord; the Sicilian Parliament possessed and exercised supreme and extensive powers, in some respects more extensive and more constant than those of the British Parliament itself. For it appointed a Committee of twelve Members, who, during the non-sitting of Parliament, exercised much of its authority—who were charged during the recess with the maintenance of the national laws and liberties, and the collection and administration of the public revenue. In the year 1806, King Ferdinand was, for the second time, driven from Naples to take refuge in Sicily, where he was followed by a needy swarm of Neapolitan courtiers, to satisfy whose cravings the most illegal exactions were practised, public and private funds were appropriated under Royal authority, the course of justice was obstructed to protect criminal favourites of the Court, and all office and employment was monopolised by Neapolitans. It was at this period that a large English force was sent to Sicily, which continued to occupy the island up to the time of the general peace. In 1810 the intrigues of the Queen with Napoleon for the cession of Sicily to the French, were discovered; and in 1811 a decree was promulgated by the King, of his own authority, appropriating the property of religious bodies and of municipalities, and imposing a tax of one per cent on all sales. Forty-four members of the Baronial Estate having signed a protest against this arbitrary proceeding, five of the most considerable amongst them were immediately arrested and consigned to separate confinement in the neighbouring islands. It was while matters were in this state, that Lord William Bentinck returned from London. We had a British force of 15,000 men in the island, and we paid a large subsidy for the support of a Sicilian army. The Government was now carried on under the influence of Lord William, acting, not, as he is unfairly represented by the noble Lord, in the capacity of a mere general, officiously meddling in political affairs beyond the sphere of his duties, but in the character of a British Minister, representing his Sovereign and his Government, and guided by their special instructions. He compelled the King to surrender his authority to his son, the Hereditary Prince, who was invested with the *Alter Ego.* The exiled Barons were recalled and raised to office; and, under Lord William's direction, a reform of the constitution was proposed to the Sicilian Parliament, and there enacted with the sanction of both the Regent and the King; nor could he (Lord Minto) see any reason why such a constitution should not work as well in Sicily as in England. It may be that during the short time in which the constitution of 1812 was in force there were frequent contests between the Parliament and the Court; but where the Court seeks to invade the liberties of the nation such conflict will arise; and in the reigns of Charles the First, Charles the Second, and of James the Second, the course of Parliamentary Government in our own country did not always run smooth. Sicily remained under this constitution, accepted and sworn to by the King and by his son, till the conclusion of peace in 1815. It had always existed as a distinct and independent kingdom notwithstanding any union of the Crowns, and the King reigned as Ferdinand the Third in Sicily, as Ferdinand the Fourth at Naples—these countries standing in precisely the same relation to each other as Scotland and England before the Union. By the constitution of 1812 this separate independence was confirmed, and extended to a separation also of the Crowns, it being enacted, that if the King should ever recover and accept the Crown of Naples, the kingdom of Sicily should then devolve on another member of his family. In the year 1814, the King, having been allowed to resume the exercise of his Royal authority, hastened to dismiss the constitutional Ministers whom he found in office, replacing them with creatures of his own; and previously to the evacuation of the island by the British troops, a well-founded apprehension of his design against the constitutional rights of his subjects was entertained. It was then that the noble Lord, who (as Sir William A'Court) had succeeded Lord William Bentinck, issued the remarkable memorandum to which he has referred, announcing as the only condition on which our sanction could be given to a modification of the Government—

> "that any change to be introduced should be made by Parliament in a legal and constitutional manner, as far removed from any direct intervention of overbearing authority on the one hand, as from any undue exercise of popular interference on the other."

This was the declaration of the British Minister, and it was received by the people of Sicily as an assurance of the continued protection of the British Government. In the year 1815 a commission was named by the King to prepare proposals to be submitted to Parliament for the completion and correction of the constitution; and instructions comprised in a memorandum of thirty articles were transmitted to the commissioners, who however never met; and in the month of May the King having quitted Sicily and established himself at Naples, he in the following month contracted that secret treaty with Austria which may be regarded as the key to all the Austrian policy in Italy, by which he engaged to give no institutions in his dominions which might be irreconcileable with those established in the Austrian provinces. The Sicilian Parliament was never again assembled, and in 1816 the intention of overthrowing all constitutional government in the island was openly avowed. This, as might be expected, led to serious remonstrance from the British Government; and a despatch from Lord Castlereagh of the 6th September, 1816, conveyed the instructions their Lordships were about to hear to Sir William A'Court. This despatch, after stating that His Royal Highness the Prince Regent must decline any interference in the internal affairs of a foreign and independent State which his own honour and the good faith of his Government shall not strictly impose upon him, proceeded in these words:—

> "You may apprize the Neapolitan Minister that the Prince Regent would consider such interference imposed upon him as a duty, if (which he persuades himself after the assurances received from His Sicilian Majesty can never happen) those individuals who acted with the British authorities during the late difficult times in Sicily should be exposed either to unkindness or persecution on account of such conduct. His Royal Highness would feel himself equally compelled, however reluctantly, to interfere if he had the mortification to observe any attempt made to reduce the privileges of the Sicilian nation in such a degree as might expose the British Government to the reproach of having contributed to a change of system in Sicily which had in the end impaired

the freedom and happiness of its inhabitants as compared with what they formerly enjoyed."

On the 5th of November, in a despatch addressed to Lord Castlereagh, Sir William A'Court reported his communication of these instructions to the Neapolitan Government assembled in Council, where having thoroughly explained the line which the British Government had determined to pursue, he received, as he stated, the most unqualified assurances of His Sicilian Majesty's intention strictly to abide by the conditions which His Royal Highness the Prince Regent had thought proper to declare to be necessary to ensure his non-interference. The despatch then proceeded to announce a series of decrees to be issued, one of which, after "confirming to the Sicilians all the privileges conceded to them by the present Sovereign and his predecessors," continued one by one to revoke every privilege of a free people, and established an arbitrary form of government. It was, however, provided in this decree that all civil and ecclesiastical offices in the island should be granted to Sicilians only—that all Sicilian causes should be finally decided in Sicily—and that the tribunals of Palermo should be entirely independent of those of Naples: the permanent revenue of Sicily to be fixed by the King, but never to exceed the sum of 1,847,687 ounces, which had been voted by the Sicilian Parliament of 1811. Sir William A'Court added—

> "His Majesty finally declares that he will at no time, and under no circumstances, attempt to levy any taxes in Sicily, exceeding this permanent revenue, without the consent of Parliament. This last expression gave rise to a considerable degree of discussion in this as well as in subsequent conferences, it being desired to substitute the words 'without consent of the Sicilian nation.' To this I most strongly objected. The immense importance of the word will certainly not escape your Lordship. It is, in fact, the key-stone of our consistency, the omission of which would undoubtedly subject us to the reproach particularly pointed out in my instructions. We cannot consent to its omission, and of this the Neapolitan Government is fully aware."

Great and violent as was this invasion of the rights of the Sicilian nation, and of the constitution to which the King had sworn, it was nevertheless thus subjected to important conditions exacted by the British Minister, and constituting an engagement with the British Government. None of these conditions were, however, observed. Arbitrary government was established. Neapolitans were placed in almost every office. The course of justice was obstructed and corrupt. A system of dilation by the infamous agents of the secret police everywhere prevailed. The promised limit of taxation was disregarded, and instead of 1,847,687 ounces, it was increased to 2,318,000 ounces by Royal authority alone, an addition of rather more than 25 per cent. The ruin and suffering under this system of tyranny became intolerable, and towards the end of 1847 a determined spirit of resistance had appeared. Hopes were, however, held out, that on the 12th of January, the anniversary of the King's birth-day, some great concessions would be announced, and that some of the grievances which had borne so heavily on them would be removed or lightened. No such concessions were, however, made, and no such relief was afforded: a general feeling of discontent and dissatisfaction prevailed in consequence throughout the country, and on that day the insurrection commenced at Palermo, which terminated in the expulsion of the King's troops, and the erection of a Provisional Government in the island. It was in this state of things that he (Lord Minto) was invited to go to Naples, having hitherto uniformly declined to take any part in the affairs either of Sicily or of Naples, beyond a private communication of opinion to the Neapolitan Minister, that the prevailing system of misgovernment could no longer be safely maintained. The aspect of affairs at Naples had long been a subject of great uneasiness to the neighbouring States; and it had been evident to every one acquainted with the country that the continued refusal of such merely administrative and ministerial reforms of abuses as would then have satisfied the nation, must lead to a violent collision between the people and the Government, and to a new order of things calculated to agitate the public mind, and endanger the tranquil establishment of that moderate measure of reform which had been effected in the rest of Italy. Many representations to this effect were made to the King of Naples, but without success, till his position became no longer tenable, when he suddenly announced the creation of a constitution framed upon the most popular basis of representative government, which, as had been foreseen, led to similar concessions in all the other Italian States. On reaching Naples, the hopelessness of any attempt to effect a legislative union of the two Sicilies was apparent. It was proposed to create a separate legislature for the internal affairs of each country, with a combined general legislature to deal with questions affecting the common interest of both. The conditions of this arrangement were the subject of much unnecessarily protracted negotiation, till at length inteltelligence arriving of the revolution in France, it was then felt that the new hopes encouraged by that event would induce the Sicilians to reject all terms short of their absolute independence of Naples, subject only to the union of the Crowns, which we might still hope to maintain by a timely offer of those terms. And such accordingly were the terms which, under the circumstances, he (Lord Minto) advised the Neapolitan Government to concede. At a Council which he attended by the King's desire, several decrees were, after long discussion, agreed to, which it was hoped might find acceptance in Sicily, and of which he was requested, and consented, to be the bearer and negotiator at Palermo. Throughout the whole course of this protracted negotiation, it had been his desire and his endeavour to establish, so far as might be practicable, the closest relations between the two countries, and, above all, to secure an union of the Crowns in the person of the same Sovereign. While stating this, however, to the Neapolitan Ministers, he invariably told them that he could not regard the present outbreak of the Sicilians as an act of unlawful insurrection against their legitimate Sovereign, nor would he consent to treat with them, or for them, in the character of rebels. That the constitution of 1812, which they demanded, was their right, and was by law at that moment the constitution of the country, the Neapolitan Ministers themselves asserting that it had not been revoked, but only suspended; but that what he sought was, such compromise between right on the one side, and power on the other, as might be productive of future harmony and good government. He had now to request their Lordships' attention to the facts he was about to state. He was requested to proceed in person to Sicily to negotiate—a very difficult task—with the General Committee of Palermo their acceptance of certain modifications of the constitution of 1812, introduced in the decrees confided to him; and though these were known to be extremely unpalatable, he had reason to hope, that through his own personal influence, and that of his Government, and with the aid of powerful interests in the country, he might be able to induce the Provisional Government to acquiesce in the arrangement. He had been confidentially intrusted with these decrees under an assurance which was required of him, that he would not divulge them publicly until he had ascertained the certainty of their acceptance. On his reaching Palermo with the English squadron, he learned that the moment his back was turned, these decrees had been published in the Government newspapers at Naples, and sent express by a Neapolitan steamer to Sicily, for circulation throughout the island, where, before his arrival, they had been unanimously rejected — an act of unparalleled treachery and bad faith on the part of the Neapolitan Government, upon which he did not desire to comment. The deposition of the King in terms of the constitution of 1812, having been pronounced, he (Lord Minto) refused to land, or to accept of any of the honours which had been prepared for his reception, till at the end of three days the General Committee were able to announce their recognition of the King, subject to some modification of the decrees securing the more complete independence of their Government. It is not true, therefore, that, as has been asserted, the Sicilians utterly rejected the terms offered them by the King. To the greater part they substantially assented, only adding some further conditions which were at once rejected by the Neapolitan Ministers, who then broke off the negotiation. And he should not do justice to the able and eminent men with whom he had treated at Palermo, were he not to add that throughout the whole of their intercourse he was always met on their part with the utmost frankness, fairness, and plain dealing. All hope of accommodation with the King of Naples being thus at an end, there was the danger that the impulse of the French revolution might lead to the adoption in Sicily of a republican form of government, offering dangerous example to the rest of Italy; and it became important that every encouragement should be given to the establishment of a monarchical form of government in that island. The Sicilians were, therefore, informed of our readiness to recognise any sovereign whom they should place on the throne, and the Duke of Genoa was indicated for their choice. And now as to our part in these and succeeding transactions, he (Lord Minto) certainly agreed with his noble Friend who spoke second in the debate, that it was much easier to defend the extent of our interference, than to justify our stopping short where we did; and he would only add, that when our interposition in the affairs of Sicily was desired by the King of Naples, we were bound to bear in mind our former relations, and those old obligations with that island, which, though not guaranteed by the stipulations of any written treaty, had been acknowledged by the noble Lord opposite, by Lord Castlereagh, by Lord Liverpool, and by successive Governments of this country. For there was a code of honour for nations as for individuals, and no one of their Lordships would feel absolved from an engagement because it was not engrossed on parchment, and fortified by a stamp. We had found Sicily a free and independent State; we had during the war, for our own advantage, held military possession of the country; we had allied ourselves with the nation against the encroachments of the Crown; we had directed its Government; we had reformed its constitution on the model of that of England; we had identified its interests with our own, and we were bound to protect the people who had confided in us and the institutions we had given them. The separate independence of Sicily had always been acknowledged in England, and by no one more distinctly asserted than by the late Lord Liverpool, from whose speech, in the year 1821, he would read their Lordships one short passage. Lord Liverpool said—

> "Every one who heard him was aware that Sicily was a distinct kingdom, though governed by the same King. The Sicilians had distinct rights, privileges, and laws. In short, Sicily possessed a distinct constitution of its own."

In the papers on the table of this House, the late King of the French was to be found condemning, in still stronger terms, the usurpation of the King of Naples. Louis Philippe said—

> "All the successive Sovereigns of Naples had committed a series of wrongs upon the Sicilian people ever since the island had been restored to them in conjunction with Naples. They had violated the constitution which they had promised to uphold by destroying the nationality which they had engaged to maintain. The edict by which they had superseded the name of Sicily was most arbitrary. His Majesty considered the title of King of the united kingdom of the Two Sicilies as nonsense, but as having been devised for the insidious purpose of getting rid of Sicilian obligations by a side wind."

Such were the rights of the people of Sicily, and such their claims upon our good offices when our interposition was sought by the King of Naples. It was impossible for one nation to be more deeply committed to the protection of another in the enjoyment of its just rights, than we were by the whole tenour of our conduct; nor could we honestly escape from the obligation thus incurred—an obligation subsequently enhanced by the countenance and encouragement given to their resistance, in our recent acknowledgment of their flag, in our indication of a sovereign for their choice, in our promise of his recognition, and in the undisguised interest we manifested in their cause which entitled the Sicilians to rely on our powerful assistance and support in maintaining the freedom they had gained. England could not now, without lasting dishonour, withhold that protection, and abandon the people of Sicily to a barbarous tyranny. In what he had now said, he wished to be distinctly understood as speaking for himself alone, and as conveying only his own opinion; but that opinion he did entertain, and at all times, and in all places, had expressed, feeling, as he did, that our national honour was involved in this question. He had the satisfaction, too, of knowing that his sentiments were shared by many in this country; that they were such as were generously urged in the year 1821 by Sir James Mackintosh, by Lord William Bentinck, and by no one more powerfully than by the noble Earl, Lord Ellenborough, whom he had hoped to see in his place that evening, and who had again, in the course of the present Session, warmly reiterated his former opinions to their Lordships. The noble and learned Lord who opened this debate had thought proper to condemn, in no very measured terms, the conduct of Sir William Parker and of the officers under his command, both in their proceedings and their correspondence, as characterised by partiality, as overstepping the bounds of their merely naval duties, and encroaching upon the province of diplomacy. But their Lordships, he was sure, would feel, that whilst our Navy was called upon to visit the shores of the whole habitable world for the protection of British interests and commerce, it was most useful that the Government should be put in possession of such information as could be obtained from the observation of able and intelligent officers on every station; that where a British force was found, the influence of its commander, and that influence always great, might frequently be exercised with advantage in good offices to friendly States. In Sicily, where our intervention had been sought, the attention of Sir William Parker and his squadron to these duties was peculiarly required, and they were so conducted on every part of that coast as to obtain the full approbation of the Government; and, in the eyes of all unprejudiced observers, to reflect the greatest credit on the many excellent officers whose judgment, ability, and impartiality had been so signally displayed on that service and in those offices of humanity to which numberless Neapolitans had owed their lives. There was but one other observation with which he wished to trouble their Lordships before he sat down. The noble and learned Lord had condemned the attempt to plant the constitution of 1812 in a nation so little prepared for free government as the Sicilians; and in support of his opinion, he had entertained their Lordships with the ridiculous account given by a certain traveller of the disorderly proceedings of the Sicilian Parliament. The noble and learned Lord was here doubly unfortunate. The author whom he quoted did not visit Sicily till many years after the Sicilian constitution and the Sicilian Parliament had been extinguished, and the scene which he described could only have occurred at one of those tumultuous assemblies of the citizens which were held on the occasion of the Neapolitan revolution and invasion of Sicily in the year 1821. But the Sicilians had now themselves furnished the most conclusive answer to the noble and learned Lord, in the temperate, and decorous, and patriotic deliberations of their Parliament, and the vigorous administration of the Government during the fifteen months of freedom which they had regained. During that period, whilst every part of Italy was distracted by faction, order prevailed in Sicily alone, and under its constitutional Government life and property had become secure, the authority of the law was respected, justice was fairly administered, prosperity was reviving, the heavy custom duties of the Neapolitan tariff were either wholly repealed or greatly reduced, and commerce flourished. And here, as commercial prosperity was no bad indication of good government, and as affording evidence of the value of our relations with that country, he would beg their Lordships' attention to Mr. Consul Goodwin's report of the great increase of trade between Great Britain and Sicily in the year 1848, as compared with that of the year 1847. In 1847 the imports into Sicily from England amounted to 208,917*l.*; in 1848 to 315,851*l.*, this being an increase of 106,934*l.*, or 51 per cent in favour of the latter year under a constitutional Government. The exports to Great Britain in the same year were, in 1847, 420,946*l.*; in 1848, 483,094*l.*, showing an increase of 62,148*l.* He had said enough, he thought, to prove that the Silicians were neither incapable of self-government nor unworthy of free institutions, and he would trespass no further on their Lordships' indulgence.

The Earl of ABERDEEN said, he would not detain their Lordships by any inquiry into the history or nature of the Sicilian constitution. Whatever might be the merits or demerits of that constitution—whatever might be the affection borne towards it by the noble Lords opposite, the question which the House had to decide was this—have we any obligations which compel us to set up that constitution, and release us from those duties of good faith, friendship, and justice which we owe to a Government with which we are connected by alliance? The noble Lord who just sat down had showed very clearly his impartial character as a negotiator. He must indeed have held the balance even between the King of Naples and the Sicilian insurgents. His noble and learned Friend who opened the debate, and his noble Friends on his side of the House, had confined themselves to an examination of recent events in the Italian States, and he should pursue the same course, but more briefly, although, he confessed, it was with some degree of reluctance he restricted himself to that course, for there were other quarters that called loudly for remark; indeed, there was scarcely a country in Europe in which the state of our relations did not give cause for some expressions of regret or censure. He must, before adverting to that which was more immediately the subject of debate to-night, just call their Lordships' attention to the position of this country, and the estimation which it was now held in Europe, compared with that which it had been our good fortune hitherto to enjoy. In the convulsions which had shaken various parts of Europe, it might have been our lot, had we preserved the estimation we once enjoyed, to have exercised a moderate and regulating influence, and to have materially supported the cause of peace and order and of real freedom, to the fullest extent we could have desired—we might have deserved and received the blessings of mankind. But what was the fact? We have extended on every hand the calamities of war, and we have failed in every instance in which we have attempted interference in the disputes of other countries. By our attempted interference in the disputes of other nations, under the guise of reform, we had assisted in the revolutionary movements of various parties, which had subjected us not only to the aversion of other Governments, but to the suspicion of their people. He knew it was said that this notion of encouraging revolutionary movements, was common and vulgar. It might be; but the question was not whether it was common and vulgar, but whether it was true; and he asserted it was not only true, but he made this further accusation against the Government, which he thought still more serious, that we had abandoned those whom we had encouraged to look upon us as friends and allies. We had proceeded upon a double policy; and it was the first time in the history of this country that we had done so. Our policy might often have been selfish, it might have been arrogant, and it might have been unjust; but he had never known before that it had been such as to have exposed us to the charge of duplicity; and he thought we were justly liable to that now from the mode in which we had dealt with foreign Powers, more especially with respect to our dealings with the King of Naples. He had said we had made ourselves an object of aversion to the greater part of the Governments of Europe, and the consequent alienation of those Governments from us. As a proof of that, he would refer to that ominous silence in Her Majesty's Speech at the commencement of the Session, when, for the first time for the last thirty years, the Sovereign of this country was unable to say She had received assurances of friendship from all Her allies. He did not mean to say that the constant repetition of that assurance conveyed any great certainty or tolerable information to the House when made. He would admit that it did not; but the absence of it was most ominous. He had himself had frequent occasions to be concerned in the preparation and advising of Speeches of that important kind; and though he had sometimes been at a loss how to vary the expression, it had never occurred to him as possible that that announcement could be omitted altogether, because he well knew that though the declaration itself was not of great importance, yet the omission of it altogether must be considered as most ominous indeed. He thought that this state of things was a natural result from that feeling which prevailed throughout Europe of the policy we had pursued, and which had been founded, not upon system so much as upon feelings of personality and hatred towards individual countries. He would appeal to any candid man, after he had turned over the pages of the volume now before the House, and ask him what his impression was upon rising from a perusal of it; and if he did not say there appeared to him to be a strain of unfriendliness and strong partiality in favour of one Government in preference to another, he should feel much mistaken indeed. Take it as you please, open the volume where you might, and he would venture to say you would come upon some instance of insult, injustice, or unfriendliness. In the first instance, he would take one instance of unfriendliness, gratuitous unfriendliness to the Neapolitan Government, which however happened not to be in the book before their Lordships, but was in the papers which were laid upon the table only last year—papers of correspondence with Austria, and in which Naples was only incidentally mentioned; but this was the way in which the Neapolitan Government was spoken of. It was to be remembered, too, that this was a paper having no reference to Naples at all, but was a despatch to Her Majesty's Ambassador at Vienna; and in describing the state of Italy it said—

> "When it is considered how full of defects and how teeming with abuses of all kinds the present system of government in several of those States, and more especially in the Roman States and in the kingdom of Naples, is known to be, it cannot be surprising that such crying evils should generate the strongest discontent; and it is very possible that men who feel the full intensity of the grievances under which they now are and have for a long series of years been suffering, and who see no hope of redress from their present rulers, should take up any scheme, however wild, from which they may fancy they could derive a chance of relief."

This might be very true, but it was not an admonition addressed to the King of Naples. Recollect, too, the time when it was done. The document was laid on the table of their Lordships' House in February last year, at a time when Naples was in a state of revolt, Sicily in open war; and when the King had given a constitution to Naples—this was the time when this paper was gratuitously produced and laid upon the table, and published throughout all

Europe. What must have been the feelings of the Neapolitan Court upon seeing for the first time this treatment by a friendly Power, without anything from them to give us the right of objecting? Whatever bad government might have existed, and which might have formed the subject of friendly advice to Naples, we might then have resented it, not in that despatch, but in a despatch to Naples; but to hold up Naples under this character when it was in a state of revolt, he thought was quite sufficient to account for the distrust and fears which evidently prevailed; for anything more gratuitous could not well be conceived. The hostile feeling to Naples thus commenced had continued throughout the whole of the proceedings recorded in this blue book. The noble Earl who had just sat down said he had been invited to go to Naples with a view to negotiate between the Neapolitan Government and Sicily; and he (the Earl of Aberdeen) must say, that the mission of the noble Earl had been throughout attended in every part of it, particularly as regarded Naples, by a degree of partiality and hostility it was impossible not to see. The noble Earl's going to Naples was a curious history. The Government of Naples appeared to be greatly alarmed at his approach, and very unwilling to receive him; but at last he did get some sort of invitation to go to Naples when he was on his way there. We have heard of the old woman of Syracuse who acquiesced in the tyranny of Dionysius lest the devil should come next. Possibly the King of Naples consented to receive Lord Minto for fear he might have to endure even a greater evil. All the Ministers, from the noble Lord at the head of the Foreign Office, down to the lowest vice-consul, all maintained with the same certainty that it was quite out of the question that the King could have any chance of recovering possession of Sicily. Now they certainly took means, at all events, to render the success of the King in suppressing the rebellion as difficult as possible; and he must say that the forcible imposition of an armistice, when the conquest was virtually made, was, in fact, a decided act of hostility, and nothing else, towards the King of Naples, because it was a perfect mockery to talk of imposing an armistice on both parties after the victory had been placed beyond a doubt by the troops of General Filangieri. But this had been sought to be justified on the grounds of humanity. He did not know to what extent a justification might be made on such grounds, but at all events our humanity was a second-hand humanity; because if the French had not been humane, we should not have been humane. That he thought appeared very clearly from Lord Napier's letter—of which, by the way, they had given them an extract only, but of which he should like to see the whole. Lord Napier said—

> "The unexpected and spontaneous resolution embraced by Admiral Baudin placed us in a momentary perplexity, from which we have not been able to issue without committing Her Majesty's Legation and Her Majesty's naval forces to a course of policy scarcely perhaps reconcileable with strict principle; very possibly averse to your Lordship's inclinations; but, as it appears to me, imperative, considering the pressure of circumstances, and our double relations towards France and Sicily."

It appeared from that that Sir W. Parker acquiesced, because the French Admiral told him if he did not, he would act without him; and with that intimation the Admiral thought it would be best to be humane also, and so the armistice was imposed. He (the Earl of Aberdeen) should like to know if the Neapolitans had been defeated instead of the Sicilians, whether they would have heard anything of such an armistice; but it was to prevent the Neapolitans from following up their success, that it was imposed in favour of the Sicilians. That, he maintained, was not an act of friendliness, but of positive hostility to Naples. Again, when the Sicilian people made choice of the Duke of Genoa for their King, a British steamer was sent to Genoa with the offer of the Crown of Sicily to his Highness the Duke; and as soon as the intelligence arrived in this country, information was sent out, that the Duke of Genoa would be acknowledged as King of Sicily as soon as he was in possession of the diadem. What friendship did we show for our ally by this hasty conduct? By deciding in forty-eight hours to acknowledge an usurping king elected by the rebellious subjects of the King of Naples. Surely, having acted thus towards our ally, we were at least bound to lay aside anything like a pretence of friendship towards him. We might justify our conduct on the ground of our interest and policy requiring us to come to an immediate decision; but we could not surely pretend to speak of our friendship for the King of Naples after that. But affairs took a different turn, and the Duke of Genoa wisely declined to accept the Crown of which we were quite ready to see the King of Naples deprived. Then, again, in our furnishing the Sicilians with guns and ammunition, there was an "inadvertency" in that, and therefore he did not call that hostility. Nevertheless, when the guns were furnished to the rebels, when the Sicilian envoys were here, and when they were received at different times by the Minister of Her Majesty's Government, and came to him to talk not merely about their guns, but about their men, and their shipping, and their armaments of various kinds, it was too much to suppose that all that was inadvertent—that the *Vectis* was prepared inadvertently, and that Her Majesty's Government were in ignorance of the proceedings of those gentlemen who were received at Downing-street by the Secretary of State, and not only received by him, but received by him in company with the Minister of the King of Naples. Now, he must confess, the Minister of the King of Naples must have had some difficulty in persuading himself of the friendship of the British Government towards his Sovereign, when he met the agents of the Sicilian rebels in the anteroom of the Minister for Foreign Affairs. He would not touch upon the capture of the Sicilian refugees in the waters of Corfu, showing the hostile spirit we had displayed throughout the whole of this transaction towards Naples. But the proof that our assistance was in fact the only support of the Sicilian revolt was, that the instant it was withdrawn the revolt ceased at once; almost as soon as the British fleet no longer gave encouragement, by its presence at Palermo, to the Sicilian people, they submitted to their lawful Sovereign, and from that day to this the island had remained in tranquillity under his dominion, and that although the restoration of his authority every British agent, from first to last, contended was perfectly impossible. He now came to another subject—the volume laid on the table a few days ago, professing to be papers relating to the transactions in Piedmont. He had often wondered at the assurance, the confidence, the boldness of the Foreign Office; but this volume beat every thing he ever saw. It professed to be papers relating to the affairs of Piedmont. Now, four months ago, he (the Earl of Aberdeen) had moved for papers to show the efforts made by the Government to prevent the renewal of the war in Piedmont, but withdrew the Motion, because the noble Marquess told him they would speedily be laid on the table, and indeed threatened him that they would be produced much sooner than he (the Earl of Aberdeen) wished, yet that volume was only now laid before them; and, after all, it did not touch not only the renewal of the war this year, but actually it did not come down to the existence of the war in the year preceding. Some wag, one would think, had selected those papers, for they begin with Pope Gregory, and they descend to matters connected with some petty squabbling between Tuscany and Modena relative to some territory in dispute between them; but with respect to Sicily there could not be a question, because the papers stopped before the period of the French Revolution. But they must make of these papers what they could, now that they had got them; and there was at least a history of that despatch, of which he had had occasion to speak before, and about which the Government had admitted that there had been a mistake and an omission. But he must say, the real character of that mistake was not such as had been represented. This volume, at least, showed how the circumstance originated. Mr. Abercrombie received certain information to which he attached credit, and which he describes in a letter dated August, 1847:—

> "From information that has reached me, I learn, that the paper in question is a paper addressed by Prince Metternich to the Grand Duke of Tuscany, in which he administers a very serious lecture to the Grand Duke on the course he is pursuing, and warns him that if he allows a civic guard to be established within his dominions, his territory will be occupied by Austrian troops;"—

adding, that under similar circumstances the same course would be pursued with reference to the minor States of Italy. Mr. Abercrombie further states, that as he was informed, Count Buhl received orders to communicate this paper directly to the King of Sardinia, and was only allowed to do so by the etiquette established at the Sardinian Court. Not only was that information believed, but in the instructions given to the noble Earl opposite, and inserted in this volume, it is referred to. The noble Earl is desired to say, when he arrived at Turin, that Her Majesty's Government had learnt, with no less surprise than regret, that an official communication had lately been made by the Austrian Minister at Turin to the Sardinian Government, which seemed to imply a threat that the Sardinian territory would be entered by Austrian troops if the Sardinian King, in the exercise of the indisputable rights of his sovereignty, made certain organic changes in his dominions which were displeasing to Austria, and that Her Majesty's Government could not believe that Austria could contemplate proceedings involving so flagrant a violation of international law, and for which no excuse could be alleged. It further stated, however, that Her Majesty's Government would be informed by the Sardinian Minister of anything that might pass on the subject; and Mr. Abercrombie was directed to communicate to the Sardinian Government a copy of the despatch of the 11th of the same month in which the instructions were dated. That was the despatch to which he (the Earl of Aberdeen) had often made reference, in which a remonstrance was made to Austria, accompanied by a threat, as far as it was possible to make a threat to a Power like Austria, that such conduct could not be viewed with indifference by Great Britain. Well, Prince Metternich at once denied the conduct imputed to his Government, and declared that Austria not only entertained no such intention, but, on the contrary, would fight with us in defence of Sardinia. But it was probable that this declaration was not believed, otherwise it was impossible to account for what had taken place; yet a still more indisputable refutation was given in this volume by the Sardinian Minister himself, who, writing to the Sardinian Minister in London, declared that the pretended note of Count Buhl was never addressed to Sardinia, but that a report was current there, and believed in by many persons in high stations, owing to an impression prevailing, that if such a note had not been addressed by Austria, it would be so immediately; but "the fact," he adds, "is not the less imaginary; no communication of the nature of that note, or with reference to our political attitude, has been addressed to us on the part of the Court of Vienna;" and he concludes by expressing the belief that the report of such a note having been written was without foundation. That was the denial of the Sardinian Minister himself, in addition to the denial of Prince Metternich; and that denial was also in the possession of the noble Lord at the head of the Foreign Office on the 24th of September, before the receipt of Prince Metternich's denial. Nevertheless, in the month of February last year, in order to prejudice Austria in Italy and Europe, that paper which had so often been alluded to was put on the table of this House, without a word of mention being used to hint that it was an utter falsehood. That appeared to him a transaction perfectly unprecedented; and as to the noble Marquess, it was quite amusing to see that he could not only not understand it, but that he could not be made to understand the real nature of the charge made with reference to the suppression of this despatch. He (the Earl of Aberdeen) had known the noble Marquess for nearly fifty years, and had occasion, on public questions, to differ oftener than he could agree with him in opinion; and he felt sure that no one who agreed with him as constantly as he (the Earl of Aberdeen) differed from him, would more promptly or decidedly repudiate the possibility of the noble Marquess being privy to the circumstances connected with the suppression of this despatch than he did. Now, he said that hostility was shown throughout the whole volume towards Austria. He had proved that hostility by its contents, by its language, by the determination that was manifested throughout to believe everything that was to the prejudice of Austria. But by the by he ought here to state one memorable exception to the hostility generally shown by our agents towards Austria and Naples in the despatches of Lord Ponsonby. That noble Lord reported only straightforward facts, and it was satisfactory to see the downright way in which he told his story, and contradicted the insinuations and the calumnies which were so welcomed here. But he (the Earl of Aberdeen) need not read any of Lord Ponsonby's despatches, because he believed it was now admitted on all hands that these insinuations with respect to the intentions of Austria to interfere in the affairs of Italy were perfectly chimerical, and never had the shadow of a foundation. That being so, it was useless to repeat the declarations of Lord Ponsonby; but he could not help contrasting his despatches with the insinuations and the hostile tone which pervaded those of our other agents. But he must say, independent of the readiness to believe all the odious insinuations and accusations against Austria, our unfriendliness towards her was shown in one most unfortunate and painful case. He (the Earl of Aberdeen) said, we could have stopped the Sardinian war. It was evident that, if proper measures had been taken, we could have stopped that. In the first place, with respect to the first war, for there were two — but it was the war of last year he meant, that war which was undertaken under circumstances quite unparalleled, for the very day after using the most friendly protestations, the King ordered his army to march into the Austrian territories. If England had then remonstrated with Sardinia, it would have been impossible that the King could have ventured upon that war — for it must be recollected that the King of Sardinia had rendered himself liable to our resentment as well as that of Austria. It was true he had not invaded England, but he had violated a treaty with England, and had given us, therefore, a cause of war if we chose to exercise it. But we never hinted that he was violating a treaty with us. He was told that he was about to engage in a dangerous undertaking; but even that he was told too late, for we never said a word to him—till he had actually resolved upon war we never protested at all. But we ought to have made a formal protest. Recollect that this was a violation of the Treaty of Vienna; and though M. Lamartine had declared that the Treaty of Vienna was effete, yet he presumed that the noble Viscount at the head of the Foreign Office did not think so, because in these papers he declared his adherence to it, and it was to be supposed he had got no new light since. We were not bound to go to war for this violation of the treaty, but we were bound to make known to the King our sense of the violation of the treaty. How was that to be done? In the same manner as we made known our sense of what we considered to be a violation of the treaty in the invasion of Cracow. Although three of the Powers who were parties to the treaty considered that it was no violation —yet we considered that it was a violation of the treaty, and, therefore, we protested formally; and as in the present case there could be no doubt whatever that it was a violation of the treaty, we were equally bound to enter our formal protest. Had we done so—had we shown any sign that we were in earnest — we must have repressed the ambitious projects of the King of Sardinia. But at that time the noble Earl (the Earl of Minto) was at Rome—he was there performing various antics with Cicerornacchio and other persons, who lauded him to the skies, shouting out all the time for the independence of Italy, which the noble Earl was told—which, at least, those who used the cry knew, whether he knew it or not — meant the expulsion of the Austrians. That was the meaning of the independence of Italy, and nothing but that; and the noble Earl having accepted these intimations, how could Sardinia think that England was in earnest in dissuading her from war? He believed the noble Earl did not join in these cries, though he did not know that. He would not go into the conduct of the war, or its renewal this year. What step had been taken to prevent the war he did not know; but certainly no protest had been made, because a protest was a public instrument. He would not give a farthing for a private protest made in the King's ear, because that would have no influence whatever, and as they had made no public protest in the eyes of Europe against the renewing of the war in March last, that was sufficient to show that we had not done what we ought to have done against its renewal. But when the war was renewed, it certainly was very soon brought to an end. And though Marshal Radetzky could have dictated terms of peace in Turin, yet he preferred negotiation; and it was most unfortunate that that negotiation was still in dependence. He had seen a statement in the Turin papers, that it was the advice of the English Government to Sardinia not to be in a hurry to sign terms of peace. He had seen that confidently stated, and even the person who gave that advice was named. He thought it was very possible that it might be so. The noble Marquess might possibly deny it; but he would forgive him if, without any impeachment of his veracity, his denial did not quite convince him that something of the kind had not been done. But that advice, if it was given, was likely to have such fatal effects that he thought this hostility to Austria almost amounted to a feeling of insanity; because, but for this, the Austrian troops in Italy would not only have been employed where they were most wanted, but, in all probability, they would have been the means of obviating that which, in common with all their Lordships, he could not but consider a great misfortune—the necessary intervention of Russia. He looked upon that as a great misfortune, and he thought that noble Lords opposite were in a considerable degree answerable for it, because if they had prevented the Sardinian war, they would have enabled the Austrians to put down the Lombards speedily, and then the troops would have been available to restore tranquillity elsewhere. He forbore to say more as to the possible consequences of this intervention. He was willing to believe, and was sanguine in the belief, that those evils which he could not but fear, would not come to pass, and that they would soon see Austria restored to that position which, notwithstanding all that had been written and said against her elsewhere, had always been advocated in this House by the noble Lords opposite, that she might recover that power and weight in the balance of Europe which she had heretofore maintained. He confessed he wished that might still be the case; but he must say that to a man entertaining that wish, and accustomed to look at that Power in the manner he had done for many years past, it was certainly a painful thing to see the spirit that pervaded the whole of these communications. He came now to the last topic. After all that had been said upon the subject, the simple fact was this—they saw a large French force occupying the city of Rome, and they did not know precisely the object for which it had assembled there. The noble Marquess on a former occasion told them that Her Majesty's Government had received some information, and that they did not object to the course the French proposed to take. He (Earl of Aberdeen) wanted to know what it was the Government did not object to. There must have been some further communication received since then. He wanted to know what it was; because that a large force of 30,000 or 40,000 men should go into the centre of Italy, and remain there without any objects precisely stated, and that this Government should manifest no interest on the subject, appeared to him to be scarcely possible. He must say that what the French Government had declared to be their own objects gave him very little satisfaction; because, though he wished that the French Government should have their legitimate influence, both in Italy and everywhere, yet he did not think that the sending of 30,000 men for the recovery of that influence was a proper mode of doing so. Neither was he satisfied with the declaration respecting the restoration of order. He should like to know their special object. Austria had given such an explanation—she declared that her object was to restore the Government of the Pope. He presumed that the French had the same object in view; but he could not help observing, that though General Oudinot had sent the keys of Rome to the Pope, yet in his proclamations he did not say one word concerning him. He agreed entirely with his noble and learned Friend in paying every tribute to the moderation and patience of the French commander-in-chief throughout the siege, yet when the general proclaimed that he had done no injury to the town, he must say, that to besiege and take a town without doing any damage to the town, was difficult to understand. He believed, however, that as little damage as possible had been done, notwithstanding the declarations of certain agents—at the head of whom was our own Consul—making representations of damage which had been done that turned out afterwards to be far from correct. He must here say a word as to a subject that was noticed yesterday respecting Mr. Freeborn having given passports to various foreigners engaged in the defence of Rome. Since yesterday he had received further information on the subject; and whatever might be said in justification of giving passports to men who were in danger of their lives, yet the wholesale way in which this had been done on the recent occasion was something quite beyond precedent, for, as he was informed, they amounted to some hundreds. This question of giving passports to foreigners was attended with a good deal of difficulty. He believed that the instructions to English agents were in times of civil war to preserve a strict neutrality. But it was admitted that urgent humanity was stronger than all instructions, for it was impossible for a man to stand still and allow his fellow-creature to be butchered before his face; and therefore a passport in such a case was in a great degree justifiable. But at the same time it must be admitted that if the people were to carry on war, knowing that in case of the worst they would have a secure retreat in the protection of a foreign Minister, or that they would be received on board a foreign ship of war—that would be a great encouragement and support to the party engaged in carrying on the war, and could scarcely be called strict neutrality. He knew that, so far as he was concerned, he never but once in his life gave a passport to any foreigner whatever. It was always the practice that English passports were never given to foreigners. He apprehended that was not only the rule and the custom but also the law of the land. But so much had that rule been departed from in the present instance, that he had seen a letter written by an officer at Civita Vecchia, stating that the numbers of foreigners with English passports in that town were so great, that the town was overawed by their presence. He was not, however, much surprised at this, because it was a license which other agents had taken, and this gentleman no doubt thought he would be justified in following their example. He presumed that Her Majesty's Government would wish to see the French troops depart from Rome as soon as they could with honour; what measures were to be taken to insure that course it was not for him to say. In former times such a course taken in Italy would certainly have led to war. He trusted that no such consequence was likely to result on this occasion, and he was confident that the French Government and the French army would both be well pleased honourably to retire from their present possession; but it must be recollected that that was not so easy a matter, and that when the French went to Ancona, it was seven or eight years before they could leave it again; and though it did not signify whether 1,200 or 1,500 men occupied Ancona, yet it was a serious thing when 30,000 or 40,000 men should occupy Rome. He hoped that the progress of negotiations with the other Powers that were acting in concert with France, would lead to such an issue as to remove all danger of this kind. The great importance of a movement of this kind was the probability that it would lead to war. If they could be sure that the occupation of that position would not increase the danger of war, its importance would be much diminished. But however well disposed the French Government might be to the preservation of peace—and he, for one, gave full credit to that disposition—yet in the disturbed state of Italy, and the events that were taking place elsewhere, one could not see with perfect tranquillity this occupation. They knew, from the highest authority, that the French army consisted of 450,000. Now, very recently a considerable alarm was created with respect to the preparations of France, and something like general uneasiness was felt in this country as to the position assumed by the Government of France. Yet the army of France was at that time 100,000 men less than at the present time. That alarm, too, was felt in the reign of a Prince whose whole life on the throne had been spent in the endeavour, and the successful endeavour, to preserve the peace of Europe and of the world, and also in the Government of a Minister of whose transcendent abilities and eminent virtues he would say nothing; but he would say this, that every year of his administration he risked his official existence solely because he was supposed too subservient to England. Therefore, if, in these circumstances, they were so alarmed as to think it necessary to meet the French preparations by warlike preparations in this country, he thought they could hardly look with perfect complacency on the great increase of force now existing in France; because, however pacific the disposition of the President or of his Government might be, they had not yet had the same means of giving evidence of their determination to preserve peace as was the case of the Prince to whom he had alluded. It was said that this great increase of force which had taken place, was purely for the defence of the country. He was disposed to dissent from the maxims which had of late years received very general assent, that the best security for the continuance of peace was to be prepared for war. That was a maxim which might have been applied to the nations of antiquity, and to a society in a comparatively barbarous and uncivilised state, when warlike preparations cost but little; but it was not a maxim which ought to be applied to modern nations, where the facilities of preparations for war were very different. Men, when they adopted such a maxim, and made large preparations in time of peace that would be sufficient in the time of war, were apt to be influenced by the desire to put their efficiency to the test, that all their great preparations, and the result of their toil and expense, might not be thrown away. He thought, therefore, that it was no security to any country against the chances of war, to incur great expense and make great preparations for warlike purposes. A most distinguished statesman of France had lately emphatically declared in the French Chamber his desire for peace; but he added, that to maintain it he must have an army of 800,000 men. And what, he (the Earl of Aberdeen) would ask, could be expected from the raising of such a force, but war or national bankruptcy? He, therefore, dreaded the intention of those who desired such extensive armaments, notwitstanding the pacific professions which they made; and he could not be at ease as regarded the stability of peace, until he saw a great reduction in the great military establishments of Europe. Such should be the great object of all Governments, and more especially of the Government of this country; and he sincerely hoped that the clouds which at present obscured the political atmosphere would pass away, that all differences might be settled, and that they might again renew their relations with those Powers which had always been their allies, and that we should be enabled to preserve and maintain peace with and among all the nations of the world.

The MARQUESS of LANSDOWNE said, he would be as brief as possible in the observations he had to offer, as he presumed their Lordships were anxious to bring the discussion to a close that night. He confessed himself under some obligations to the speech of the noble Earl who had just spoken, for, having listened to the debate hitherto, he had found great difficulty in connecting the Motion with anything like an attack on the Government. His noble and learned Friend, in bringing forward that Motion, had pointed but indistinctly to any such object; but the noble Earl, giving way to a greater degree of vehemence, had come to his (the Marquess of Lansdowne's) assistance by indicating the points of attack which he thought might be assailed with most advantage. Whoever looked to the terms of the resolutions, to the difficulty of explaining one by the other, and to the difficulty of connecting any of them with the speech of the noble and learned Lord (Lord Brougham), which, bearing on all subjects, bore least of all on his own resolutions, would perceive at once, though he (Lord Brougham) had been active in stirring the cauldron, that the ingredients had been contributed from other quarters. First, his noble and learned Friend gave notice that he would call the attention of the House to the invasion of Rome by the French. That notice remained on the Paper for nearly a week. Then they were informed it was to undergo some change, but many days elapsed before it acquired its present form; and, if he might use so homely a phrase, the nature and colour of the plumage had altered considerably since the egg was hatched. Instead, however, of following the noble and learned Lord's speech, he would endeavour to connect his (Lord Brougham's) observations with the language of the resolutions: those resolutions had, however, been so eloquently commented upon by his noble Friend (the Earl of Carlisle) that it would be presumptuous in him to make any observations on them, and he would have refrained from doing so, but for the observations of the noble Earl. He would consider what blame to Government was implied by the first resolution. He had looked to his noble and learned Friend's speech to ascertain the particular points on which the Government were "to require and obtain satisfactory explanations;" but in vain, for the noble and learned Lord had, with his wonted ingenuity, proceeded to justify those "movements" alluded to in the resolution, and to show that they did not require satisfactory explanations at all. The noble and learned Lord had certainly referred to one movement in particular as requiring prompt and satisfactory explanation—the French invasion of Rome; but he (the Marquess of Lansdowne) saw no reason for making such a demand, which did not apply equally well to the invasion of Bologna and the movements in the north of Italy by the Austrian forces. He asserted, then, that this country had received the same amount of explanation in each case, and he stood there responsible for being satisfied with it up to the present time. He had stated before, that while the Government of this country was bound to watch all these movements, and observe the course they took with every care, there was that in the peculiar condition of the Government of France that it was impossible not to feel that by exacting too rigorously explanations of the entire course and views of their movements in Italy, and causing them to be published, they might weaken a Government which, he was convinced, it was the policy of the Government of this country not to weaken. Perhaps the noble Earl did not mind that. Perhaps he thought that no Government but the past and supposed legitimate—but still not very legitimate—Government of France, was entitled to respect from this country. He meant no disrespect to that past Government when he declared that the present Government of France was, from its present position, more entitled to respect, because they knew it was placed in circumstances of great difficulty with its own subjects, and with the States of Europe; and if they believed, as he did, that it was the earnest desire of that Government to maintain the relations of peace with all other nations of the world, it was their duty to minister to its security, and to that object by every means consistent with the safety and honour of this country. Her Majesty's Government had, therefore, been satisfied with explanations with which, perhaps, under other circumstances, they should not have been satisfied; and they believed the object of France, in sending this expedition to Rome, was really what they stated it to be—the re-establishment of order by means of the re-establishment of the Pope. They believed as much of the statements of France as of Austria. Her Majesty's Government knew there had been communications between France and Austria on the Italian question—that they had not resulted in a combined system of action—that such a combined system had been proposed, and each country had thought best to pursue its own object singly and without any precise concert, though the understanding existed between them that the object of their operations was the restoration of the Papal authority, the difference between their views in the mode of restoring it being, Austria proposed the re-establishment of the Pope without any condition, and that France, to its great credit, sought to do so on certain conditions bearing on the institutions of the State he was called on to govern. He had no hesitation in stating, he quite agreed in the views of his noble and learned Friend on the subject, but begged to assure him they were by no means peculiar, inasmuch as they were precisely those laid down in Lord Palmerston's despatch to Lord Normanby, where he distinctly declared that the sovereignty of the Pope was something quite peculiar, and, having a relation with all the Roman Catholic States of the world, quite different from those of any other authority. The condition of the Pope's sovereignty was quite peculiar. As a temporal sovereign, the Pope was of a fourth or fifth rate order: as a spiritual sovereign, he was not only of the first honour, but enjoyed a sovereignty unparalleled in the world, being capable of exercising over not one but every country of Europe an authority and an influence with which nothing could compare. There was, therefore, in respect of other States, a ground for interfering and maintaining his authority which did not exist in any other case, and, being a sort of compound interest, the necessity was imposed on the Catholic Powers of watching in order to see that the just object of preserving the spiritual head of their religion was not made the means of promoting temporal ambition. But when he said that, he was not prepared to say that we, as a Protestant State, had not, to a certain extent, a similar interest: there was no country with Catholic subjects and Catholic possessions which had not a deep interest in the Pope being so placed as to be able to exercise his authority unfettered and unshackled by any temporal influence which might affect his spiritual authority. We had, therefore, no reason to be unduly jealous of the interference which had taken place; and it was, therefore, he thought, not only expedient with respect to the peace of Europe, but of the world, that measures of policy somewhat different from those of ordinary times might be enforced and adhered to in this most anomalous and extraordinary state of things; and if he had one fault more than another to find with the speeches of the noble and learned Lord and the noble Earl, it was that they had not sufficiently looked to the change which had taken place in Europe within the last two years, which might account for acts of commission and omission not otherwise justifiable. Was there ever such a period before? Did the noble Earl think the ordinary rules and maxims which guided his conduct when at the head of Foreign Affairs some years ago, applicable to a state of things with a new direction, tone, and colour, from the awful elements brought into action, giving rise to the most lively apprehensions for the peace of the world? At a moment which could only be compared to the great crisis of the Reformation, when the ground was heaving up beneath the Governments of Europe, and when, as it had well been said, there was an uprising and clashing together of opinions, loosening from their accustomed holds and driving large masses of men into action and violence, it was prudent for every State to revise its principles of action, and to keep in view, as its one great object, the preservation of the peace of the world, threatened as it was by so many dangers. The next part of the resolution to which he came, declared that "it was inconsistent with the general interest and duty of this country to interfere in the concerns of foreign nations." So general and sweeping a proposition—one so likely to disarm the power and limit the influence of the country which adopted it—he had never yet heard. For the last 300 years he never knew of any Ministry in this country which had carried on Government on such principles. He need not go so far back, indeed, to find these principles were not acted on by later statesmen; for when disputes arose between the King of Holland and his subjects, the States of Europe interfered to put a stop to bloodshed, and effect a settlement: an armistice was forced upon the parties by virtue of a protocol, and amongst the names affixed to that protocol was that of "Aberdeen." And when the noble Lord came to administer the affairs of the country, he was sure he would treat such a resolution, if it were agreed to, with perfect contempt, and as of much the same value as the neat maxims at the head of a schoolboy's copybook. As to the events that had taken place in the north of Italy, although the noble Earl had stated perfectly correctly what had occurred regarding the statement transmitted from Turin as to the dreaded interference of Austria, yet he should say that no such threat was made as had been reported to have been made by the Government at the time. The report was sent as a report only, and as a report only it was treated and inquired into; but to say that it was without foundation was not correct; for the Government had corroborative evidence from Berlin; and it was shown that a person, who was known to be officially connected with Prince Metternich, had used language at Florence, which, being transmitted to Turin, and operating on the natural sensibility of all Italian Governments, excited those not very ill-founded apprehensions. The report, therefore, obtained ready credence. The noble Lord had been pleased to state that due exertions were not made on the part of this country to prevent the Government of Sardinia from engaging in an unjust, unnecessary, and unprovoked war. In every one of those epithets applied to that war, and more particularly to the last war, he entirely concurred; but to the statement that every possible effort was not made by the Government of this country to prevent that war, he gave the most unqualified contradiction, founded upon documents which were then before the House. He found from that correspondence, that, from the very first moment that there was any rumour of such a war taking place, warning was given to the Sardinian Government of the opinions of the Government of this country upon such a step. They disclaimed any such intention; and the first observation of the noble Lord at the Foreign Office upon that disclaimer was to the effect that Her Majesty's Government had felt great pleasure in learning that no such aggression upon the dominion of Austria was about to be made. In a subsequent despatch of Mr. Abercromby, dated March 12, that gentleman stated that he saw no reason for taking umbrage at the armaments which were being prepared by the Sardinian Government; but that to employ them in actual aggression would be to endanger the interests not only of the House of Savoy, but of Italy and Germany. Mr. Abercromby was then told, in another despatch, that the Government entirely approved of the views he had taken on the subject, and instructed him to impress upon the Sardinian Government the great risk and danger upon many accounts which they would bring upon their country if they involved it in any unnecessary and aggressive war.

The Earl of ABERDEEN: That was after the war had begun.

The Marquess of LANSDOWNE: The moment it was known that the war was intended, the admonitions in question were given to the Sardinian Government. In a despatch of April 11th, Lord Palmerston states to Mr. Abercrombie, that, with reference to his despatch of the 27th, referring especially to the intentions of the Sardinian Government with respect to Lombardy, he had to inform him that Her Majesty's Government approved the language which he had held to the Sardinian Government, and instructed him further to state that the conflict into which Sardinia had entered must be deemed to be one of very doubtful result, and that the principle upon which it had been commenced was one full of danger. He (the Marquess of Lansdowne) believed that it was only by means of such admonitions addressed by one Government to another, they could hope to influence the conduct of a Government. It had been said that the Government ought to have resorted to other means than those they adopted upon this occasion. He deprecated, however, any resort to arms upon such an occasion. But there was another Power with whom Her Majesty's Government had also remonstrated—namely, the King of Naples, who, although he subsequently claimed the performance of the Treaty of Vienna, at one time called upon his subjects to engage in the war in Lombardy on behalf of the Italian league. He referred to the proclamation of the King of Naples, addressed to "his beloved people," calling upon them to make war in Lombardy. It stated—"Your King shares with you the lively interest that the Italian cause raises in every mind, and is determined to contribute to its safety and success with all the material forces which our pecular position on one part of our kingdom leaves at our disposal. We consider the Italian League as existing *de facto*, although it is not yet established;" and concluded by declaring that the lot of their common country would be decided upon the plains of Lombardy. He thought that that would pretty clearly show the spirit which animated the parties during the convulsions which had recently taken place in that part of Europe. He did not mean to impute to the Government of Naples a deliberate intention of making war; on the contrary, he felt that some allowance ought to be made, and above all for the weaker States which had been engaged in these transactions; but he did not see why the noble Earl should allow the whole weight of his indignation to fall upon one of those Powers. He did not know whether he had succeeded in convincing the noble Earl opposite (the Earl of Aberdeen) that Her Majesty's Government had taken every opportunity of preventing any outbreak previous to the first war; but if he had not succeeded in doing so, he thought at all events that he should not have much difficulty in satisfying him that they did their best to prevent the second war. The evidence upon that point was so clear, that he was convinced it could not but be satisfactory to any unprejudiced mind. Upon the first apprehension of that war, Mr. Abercromby took upon himself, acting upon the general instructions which he had received from Her Majesty's Government, to send a letter to the King of Sardinia, so full of accurate observation, and animated by so laudable and enlightened a spirit, that it could not fail to have convinced him of the opinions of Her Majesty's Government upon the subject of the projected war. In that despatch he said that it would be an act of madness for Sardinia to undertake a war against Austria singlehanded. and that the King in so doing was destroying his own country and abandoning his duty to his people. That was the Minister who, it was said, was sent out to encourage the revolutionary party. Could stronger language be held by any person?

The Earl of ABERDEEN: That is not enough.

The Marquess of LANSDOWNE: The noble Earl said, that was not enough. He wished, then, to know what he considered would be enough. Would the noble Earl have had the British Minister knock the Sovereign down, that he required stronger representations than these? What that happy medium would be between remaining at peace and going to war, he had not exactly pointed out. The noble Earl wanted more; and there was a letter from Lord Palmerston to Mr. Abercromby, directing him to ask for an audience, and to tell the King of Sardinia that Her Majesty's Government had heard of the supposed intention of his Sardinian Majesty to commence hostilities, and were ready to offer him their counsel. In a few days afterwards Mr. Abercromby sent a despatch to the King of Sardinia, who was about to take the command of the army, framed in terms as strong as it was possible to conceive, telling him it would be too late on a future day to take the friendly counsels which the Government of England were ready to send him. He had no doubt that the noble Earl thought that was not sufficient; and he (the Marquess of Lansdowne) was extremely curious to know what these valuable means were by which sovereigns were brought to reason by something that was not force, yet was something that was more than representation. As he (the Marquess of Lansdowne) only knew of two ways of proceeding in such a case, he considered that Mr. Abercromby had gone the whole length he could go on the subject. Did not the measures taken by him prove what the feelings and wishes of Her Majesty's Government were, and that it was not their desire to see Austria annoyed by the recommencement of hostilities? With respect to the Austrian provinces in Italy, some of the wisest and most sagacious Austrian statesmen had been of opinion that the territory of Lombardy was an inconvenient appendage, and that the Austrian empire, with its strength so widely disseminated would do wisely to bring its authority to bear upon more important territories and interests at home. Probably Austria would not at the present moment have felt it necessary to have recourse to the arms of Russia to put down disorders in her own territory had she been able to concentrate her force upon one side of the Alps. But, be this as it might, the policy of this country was not to produce revolutions, but to prevent and appease them, and all their instructions were given with that view. All those instructions were based upon the principle of endeavouring to reconcile the essentials of the existing order of things with improvements in the present institutions of the country. Her Majesty's Government had proceeded on the admitted principle, that by removing discontent where it was known to exist, a Government had the best security for the safety of its institutions. He was glad to hear that Austria had renounced her policy of refusing improvement and reform in her institutions; but it was proved that her former hostility to governmental and social reform was founded upon a secret article between Austria and Naples, which was now, however, known to all the world, by which Austria bound the latter Power not to advance in reforms further than Austria herself in the government of her Italian provinces. Could it be said that the apprehensions of the people were altogether without cause, when they thought that Austria might endeavour to prevent them from enjoying any of those institutions? He did not attribute that design to Austria now, and he conceived that Austria was pledged in that respect to a course different from that which she had hitherto pursued. He sincerely wished that Austria might continue to act that great part in the affairs of Europe which was so essential to the well-being of the rest of the world—he rejoiced at the notion that she had adopted the principle of conceding reasonable rights to her subjects, as a means of reconciling all her populations, of different origin, who are at this moment imperfectly united under her sway. The observations on the paper now before the House they had answered in detail; and beyond that answer in detail, there was one or two convincing answers, which he wished to give to those who accused the Government of this country of a warlike policy. In the first place, he reminded their Lordships that, after two years of such times as those we lived in, this country was at peace. It was said, that all the world distrusted his noble Friend (Viscount Palmerston); but at the very moment it was said that all the world distrusted him, and before the ink could be dry on the resolution which his noble Friend had drawn up, a war of the most alarming aspect, connecting itself with the most desperate passions—combining in itself the jealousy of sovereigns so difficult to reconcile with the jealousy of different races speaking different languages—that war so originating, and pushed to the most alarming extent, and affecting all the interests of the North of Europe, had been, by the successful efforts of the Government of this country, put an end to. The Government had this very day received the preliminary articles of peace, that would put an end to that war which might have raged indiscriminately in the North of Europe, and which were settled under instructions sent from this country, and at its mediation. The noble Earl himself had been occasionally successful in mediation; and when he had been so, he (the Marquess of Lansdowne) was not slow to admit and applaud the result of his mediation. He submitted that the same measure of justice was due to his noble Friend, and he hoped the South would be pacified on the same principle, and by the same means, as the North. These resolutions were of no practical utility; and whatever comments had been made upon the foreign policy of the Government, they had the consolation and proud satisfaction of reflecting that in this time of great difficulty, when thrones had been shaken, and nations agitated with internal commotions—when the torch of war had been lighted from one end of Europe to the other—this country had been free not only from intestine disturbance, but from the hostility of a foreign foe; and that we had maintained our position, not by any compromise or ignominious concession, and, above all, not by the sacrifice of that high character for honour and integrity—the *clarum ac venerabile nomen*—which England had always preserved, and which enabled her to act upon the destinies of those with whom she had to deal, and to secure, in so doing, the happiness and independence of the world.

LORD STANLEY said, that he felt, as he was sure all their Lordships must feel, the impossibility of doing anything like justice to the large question before the House, at an hour when their Lordships must be exhausted, and when he owned himself wearied by the length of the discussion. He also felt the disadvantage of having, at that time of the night, or rather of the morning, of endeavouring to call their attention to some parts of the case and some parts of the speech which the noble Marquess had just addressed to the House. But although he had taken no part in the framing of these resolutions, he was unwilling to give a silent vote upon this question, because he held that the resolutions laid on the table by his noble and learned Friend were in themselves sustainable by evidence and facts, and such as it would be wise and fitting in their Lordships to adopt. The noble Marquess expressed his surprise that his noble Friend had not referred to the successful mediation of the Government in the north of Europe; but these were not resolutions affecting the general foreign policy of the country, but particularly related to those events in the Italian States which appeared most to require immediate attention. Every one, of course, would rejoice to hear that hostility between Denmark and Germany had terminated. His noble and learned Friend in one of the resolutions averred—

> "That it was inconsistent with the general interests and duty of this country to interfere in the concerns of foreign nations as between these Governments and their subjects;"—

and until he heard the speech of the noble Marquess, he had thought that if there was one principle of sound policy on which there was universal and unanimous acquiescence on both sides of the House, it was the principle of non-interference by this country with the internal affairs of another. The noble Marquess had only read a part of the resolution, stopping short at the words "foreign nations," and leaving out the last words, "as between their Governments and their subjects." Hundreds of causes might render interference with other countries in a national point of view absolutely necessary; but the resolution expressly pointed to the internal concerns of other countries. The noble Marquess had referred to a protocol issued by his noble Friend (the Earl of Aberdeen); but it must be observed that the intervention in that case was called for by the King of the Netherlands, for arranging affairs to which this country had been a party. The first resolution of his noble Friend was this:—

> "That it is the right and was the duty of the Government to inquire and to obtain from foreign Powers satisfactory explanations of those recent movements in the Italian States which tend to unsettle the existing distributions of territory, and to endanger the general peace."

It had been asked by a noble Earl, "It might be our duty to inquire, but how could it be our duty to obtain—how could we obtain?" But even as a mere verbal criticism, that objection was not well founded; and the resolution was right; for it was our duty to seek, and our right to obtain, from nations professing to act in amity and co-operation with us, a satisfactory explanation of acts which endangered the general peace; and that was the wording of the resolution. Did the noble Marquess ask to what it was that the resolution applied? It applied necessarily to the invasion by French troops of the Roman territories. Was that, then, a matter of light concern—of small importance—in the eyes of Her Majesty's Government? When they supposed that it was the intention of Austria to invade the Roman States, the language of the Foreign Secretary in these circumstances was, that it was not a matter of indifference, and of no importance; on the contrary, he said that all the States of Italy ought to be held inviolate by all the Powers of Europe; and that proposition was coupled with another, that any sovereign should be at liberty to make such changes within his own dominions as he should think fit, thus confirming the second resolution moved by his noble and learned Friend, that it was inconsistent with the general interests and duty of this country to interfere in the concerns of foreign nations, as between their Governments and their subjects. Nay, the noble Viscount (Viscount Palmerston) followed up his propositions by stating that the Roman territories were an element in the independence of Italy, and that no invasion of them could ever take place without consequences of the greatest gravity and importance. He asked whether it was not a matter of the most serious consideration with them that the fullest and most explicit explanations should be given by the various Powers concerned, when they saw those States invaded by four different Powers, and when they saw the Austrians and the French in the occupation of those territories, not to speak of the more insignificant efforts of Naples and of Spain. The noble Marquess perhaps would ask, why instance France, since we had had explanations the fullest possible as to the object which she had in entering those territories; for the noble Marquess not very fairly stated that a declaration of their intentions and objects had been made by France, equally explicit with that of Austria. From Austria they understood most definitely that their object was the restoration of the legimate Government, and with that object attained, that they would withdraw her troops. He was very far from wishing to embarrass the Government of France—

The Marquess of LANSDOWNE said, a similar declaration to that of Austria had been made by France, as to her object at Rome.

Lord STANLEY said, for the first time to-night he had heard that they had made such a declaration, that, with the restoration of the Government, the object of the French Government was attained, and their troops would be withdrawn. He could not but recollect, however, that while Austria was intent upon restoring the legitimate Government of the Pope, France was determined to restore it with certain limits, and restrictions, and conditions, of which they had yet informed no one, and which might involve the occupation of Rome for a few months, or perhaps for 20 years. The Government were bound, for their own satisfaction, to know that the ally with whom they professed to act, was influenced by the same motives, and had the same objects, as those other Powers from which they had thought it right to require explanations. The Pope was the only potentate that had asked for the diplomatic interference of this country; and on the hints furnished by his solicitations, the Diplomatic Relations with Rome Bill was brought in by Government, and the noble Earl (the Earl of Minto) was sent over to advise and counsel the Pontiff. But what was the result of our intervention? The Pope had been turned ignominiously out of his dominions; and all at once the Republic of France began to find that it was her duty to interfere for his restoration. This restoration was to be coupled with certain conditions, though what these were had not been made known. If they implied either a separation of his sacred and civil functions, or the establishment of a legislative assembly, it might be implied that to these conditions the Pope would not agree. The state of the matter, then, was this—they had the Pope applying to the Catholic Powers of Europe to restore him to the supremacy, civil and ecclesiastical, of his dominions. The call was responded to by three of these Powers; but then there was a fourth Power not co-operating with the others, who stepped in and took possession of Rome with an enormous army. It became, therefore, more than ever the duty of the Government to ascertain fully the objects contemplated by France in the occupation of the Roman States. The two first resolutions were of less importance than the third. At an earlier period of the night he should have endeavoured to have substantiated at more length the charge that we had, in our dealings with foreign countries, in reference to the affairs of the Italian peninsula, been actuated by a want of friendly feeling, by invidious suspicions, and by unworthy and uncalled-for jealousy towards Powers, neither of which had given us offence, or done anything to warrant our suspicion. The noble Marquess said there had been no jealousy shown in these transactions either of Austria or of Naples. But what were the facts, first, with regard to Austria? The very instant that the noble Viscount (Viscount Palmerston) received a communication that Prince Metternich was of opinion that the Pope was going to dangerous lengths in the changes he was making, he wrote to Lord Cowley stating he was most anxious to know what the views of the French Government were upon that subject. If, he said, they coincided with his own, he should be glad to co-operate with them in supporting the general amnesty, and thus in forcing those further reforms which Prince Metternich considered dangerous to Rome. In the meantime, the Pope had given a full amnesty, and M. Guizot concluded his reply by stating that the French Ambassador had been strictly instructed not to offer any advice. Those, in his opinion, were very sound instructions, and very wise advice; and if similar instructions had been given to some of our diplomatic agents abroad, it would not have been the worse for the interests of this country. But then he was asked to furnish proofs of the insidious jealousy of Austria. The papers and correspondence before the House abounded with them from first to last. There was a disturbance at Pisa, it appeared, and the moment Lord Palmerston heard of it, he wrote to Mr. Abercrombie to inquire how far Austrian emissaries had to do with it. Full of Austrian suspicions, he could not disconnect his ideas of Austria from meddling and interference. But the fact was, there had been nothing of the sort. His noble Friend (the Earl of Aberdeen) had stated another instance of jealousy and suspicion of Austria, in regard to a letter alleged to have been sent to the King of Sardinia. It turned out there had been no letter at all. There had, however, been a letter to the Duke of Tuscany; and that which was only to be accounted for by the Foreign Secretary by Austrian jealousy, and which called forth "a wise, temperate, and firm answer," was not written at all. The proposition supposed to be made of Austrian interference was, in point of fact, never made. From first to last, Austria had given assurance, in the most positive terms, *usque ad nauseam*, that from her no State in Italy had reason to fear an invasion of their territories; but Austria always declared, "We mean to hold our Italian dominions, but we will not extend our power one inch beyond." These communications were made to the Court of Sardinia. Instructions, founded upon the supposed interference of Austria, were given for the guidance of the noble Earl opposite (the Earl of Minto), and with the real facts known, as they must have been known by the noble Earl and the Government, he (Lord Stanley) was at a loss to account for the declaration made by him (the Earl of Minto), after a long conference at Turin, that "now all danger of Austrian interference appears to have passed over." When he wrote this, he must have known that Austria had from the first disclaimed all intention of invasion; yet he wrote to the Foreign Office that danger of invasion from that Power had, for the present, "passed away." He said then that the whole of these proceedings marked an invidious and an increasing jealousy of Austria, and an unfriendly feeling towards her. Another out of many other cases suggested itself to his mind. Prince Metternich had been informed that in Rome reports were rife that Austrian agents had encouraged rebellion there; and what did Prince Metternich immediately do? He wrote to Rome demanding that a most searching investigation should be made by the Government, in order to ascertain if there were any good grounds for the suspicion that Austrian agents were implicated in the charge; but he never received an answer to that application for such investigation. Notwithstanding the Austrian Minister had assured the noble Viscount that he was following in the course which Prince Metternich had taken on the part of Austria in the affairs of Italy, still the noble Viscount's suspicions were not set at rest. In his answer to the British Minister at Vienna, the noble Viscount stated that he had learned from undoubted authority that at Rome Austrian agents were concerned in the plot, and that he believed that that opinion was shared in by many very high persons in Rome. Such a declaration was not only unfriendly, but it was insulting. The Austrian Government had denied all participation in those proceedings. It was a direct declaration that the Government of this country disbelieved the assurance of Austria, put forward in the most positive manner. Again, to show the want of foresight on the part of Her Majesty's Government, when Lord Ponsonby was instructed to give assurance to Austria that the King of Sardinia had no intention to invade the Austrian territories, or to interfere with the internal affairs of the Austrian provinces in Italy, that Sovereign was meditating the invasion of the Austrian dominions for the gratification of his own selfish and profligate ambition, whilst there was not the least intention of invading Piedmont by Austria. But it was not the first time that the noble Viscount charged the Cabinet of Europe with shortsightedness—with not being able to see beyond their noses, whilst by the correspondence it appeared that they could see further than he, and their despatches and letters were conceived in a much more diplomatic and courteous tone than his. But Her Majesty's Government did not appear to have taken all the steps they might have taken to prevent either the first or the second invasion of the Austrian dominions by the King of Sardinia. The noble Marquess had, of course, peculiar opportunities of becoming acquainted with the contents of the papers that passed between the Governments, and he said, "Oh, you condemn those proceedings before you have seen the papers." But if the House had waited for their production, they might have waited until the second week in August, when it would not have been very easy to have questioned the Government about them. His noble Friend near him had said that he would not speak about the second invasion of Austria, because he had not the papers before him. But he (Lord Stanley) said, that with regard to the first or the second invasion, Her Majesty's Government did not take the steps which they were bound to take for the purpose of preventing that most unprincipled aggression. The noble Marquess said that they told the Sardinian Monarch that it would be destructive to his own interests to attempt such an aggression; that they appealed directly to his interests. But when a Government had a right to interfere and prevent another Government from taking a profligate and unprincipled course, it was not sufficient to say, "This may lead you into trouble." They should say, "If you take this course, remember it is in violation of treaties. Remember, that it is inconsistent not only with your safety, but with your honour and your obligations; and in the face of Europe and of the world we protest solemnly and publicly against an act on your part which is an unprincipled infraction of a treaty to which we are parties." If the Government had addressed themselves to the honour and the duties of the King of Sardinia, they would have done right, and this country would have stood in the situation in which it was fitting it should stand before the eyes of Europe and the world; but it was idle to address themselves merely to the interests of an ambitious man. The noble Marquess asked tauntingly why they did not say a word about the King of Naples, who had acted in a more profligate manner still. God forbid that he should defend the conduct of the King of Naples, or that compulsion which was exercised by his people to force him to join in that invasion of the Austrian territory which was supposed to be about to lead to the independence of Italy—a thing which the noble Marquess spoke of as only the dream of a few enthusiastic individuals, but which he (Lord Stanley) nevertheless feared had been encouraged by the diplomatic agents of Her Majesty's Government themselves. He would beg to read to the House an extract from a speech made by Lord Napier, Her Majesty's Representative at Naples, on the 16th February, 1848, to the populace flushed with the success of their revolutionary movement:—

> "Happy are these days, in which the liberty and independence of Italy are secured for ever. Henceforward the nationality of Italy will be no more a matter of feeling—no more a desire. It is a reality. Let it spring around our institutions; and by securing our institutions, triumph against the foreigner. *Viva Independenza Italiana—Viva Ferdinando Secundo.*"

This speech was delivered by the noble Lord in the language and with the mind of Italy, and while delivering it, he had been, it appeared, interrupted by great applause, while the termination was followed by vehement acclamation. He must say that that speech was in entire accordance with everything else that had been done in the course of these events. The King of Naples had certainly joined in an unprincipled aggression on the Austrian States. He could hardly say that the King had himself joined in it, as he been driven into it not with unfriendly feelings towards Austria—far from it, for the Emperor of Austria was his friend. The Pope also had been driven into it; but was it with unfriendly feelings? By no means, for the Pope felt he had no better friend than Austria. They were not actuated by the selfish principles that had moved the so-called King of Italy. They both yielded to popular impulse—they foolishly yielded to an irresistible popular impulse, which had been encouraged and promoted by diplomatic envoys even from this country, and to which no great discouragement was given even by the Representative of Her Majesty. He did not charge against the noble Earl or the Government that they desired to promote revolution in Italy; but he charged them with a desire to introduce into every country just as much of the principles of liberty as they themselves desired, but no more. Nothing showed more the impossibility and the folly of attempting to transplant the free institutions of one country into the soil of another not fit to receive them, than these proceedings. These were the views which actuated the noble Earl, and Her Majesty's Government, and also the King of Naples, and the benevolent but not very wise Sovereign Pontiff. These were the views which, no doubt, also actuated some of the other Powers; but they were all made subservient to the views of others, who had very different objects. Others knew much better than they did what was in progress: they knew that these Powers were useful intruments up to a certain point for furthering their views; and as soon as that point was reached, the instrument was thrown away with ridicule and contempt, and the revolution broke out which they had vainly hoped to have kept down. He had seen with regret that these papers abounded with evidence of an unfriendly and jealous feeling towards Austria. But there was another Power—a weaker one—towards which they conducted themselves in a still more unfriendly, and, he would add, more unworthy spirit. He alluded to their conduct towards the King of the Two Sicilies from first to last—from the advent of the noble Earl—he would not now discuss the question of his being invited—their conduct towards that sovereign had been throughout marked by the most offensive demeanour, as much as it was possible for any sovereign to bear without resenting. He would not now enter into the question of how far they were bound to maintain the shadow of the constitution of 1812. His noble Friend had clearly and distinctly shown, that as a practical constitution the constitution of 1812 never had been in operation at all—that the Parliament that sought to establish it broke down ludicrously and absurdly the moment that it should have been established; and indeed the noble Lord opposite seemed to admit that it was not a very desirable arrangement to adopt in any event. Therefore, this was an additional reason why their conduct towards the King of Naples had been offensive to an unjustifiable extent. On the 7th of March, the noble Earl stated that he had obtained satisfactory terms from the Sicilians—and well he might, for he had dictated the terms himself—but in a few days afterwards the Sicilians expressed their dissatisfaction with those terms, and it appeared that no conclusion of any kind had been arrived at. They next had him advising the deposition of the Sovereign to which he was accredited, and that he would not offer any objection. That showed the impartiality of the mediator, and the friendly feeling towards the Government of our ally. The noble Earl again says that the Sicilians looked to the friendship of England to support them in their desire to separate from the Crown of Naples. While the noble Earl was offering his good offices to the King of Naples, he actually wrote that the independence of Sicily had now been established. Whether the noble Earl was right or wrong in recommending the constitution of 1812, from the moment that he had arrived in Sicily he was recommending the separation of Sicily from the Crown of Naples; and from the moment that the Sicilians attempted to separate from the Crown of Naples, they were in rebellion against their Sovereign; and the British Government was countenancing and encouraging them in that rebellion. That was a monstrous violation and dereliction of the duty they owed to their ally; and yet they said, while they were thus doing, that the King of Naples should be obliged to them. The Duke of Genoa was recommended to the Sicilians as king; but he was wiser than Her Majesty's Government, for he was not quite so satisfied of what they were attempting to establish as they were. Not content with offering the Crown of Sicily to the Duke of Genoa, they also assured him that the British Government would give him every support; and the British Minister made a public declaration to that effect, and they afterwards offered to recognise any sovereign, except the King of Naples, although they were then on friendly terms with them. He would not go through all those transactions in detal—suffice it to say, that from the first to the last their interference was an interference against the King of Sicily. We pretended to enforce an armistice, and the consequence was, that the beaten party had time to recruit their strength, and raise themselves from their prostrate condition. He believed that the result of all our measures was, that the people of Sicily were now left entirely at the mercy of their legitimate Sovereign, who he had no doubt would, however, exercise the rights of a conqueror with generosity; whilst, as for ourselves, we had made this country the object not of suspicion, but of worse than suspicion, of contempt, and of ridicule, to our allies, and to Europe. In conclusion, he would only venture to express the hope, however the double dealing and miserable shuffling of our recent policy towards the Neapolitan Government might be viewed elsewhere, that the verdict at which their Lordships would presently arrive, would show the kings, princes, and people of Italy, that the double dealing and paltry conduct of Her Majesty's Government had met with no response from the more manly and honourable feeling of the House of Lords.

Lord BROUGHAM said, that having been occupied nineteen hours in their Lordships' House that day, he declined the labour of a reply.

On Question, House divided:—Contents, Present 51; Proxies 45: Total 96. Not-Contents, Present 45; Proxies 63:—Total 108:—Majority against the Resolutions 12.

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Lord Southampton	Lord Foley
Duke of Richmond	Lord De Mauley
Earl of Kinnoull	Marq. of Breadalbane
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Earl of Pomfret	Lord Langdale
Lord Rosse	Archbp. of Canterbury
Earl of Digby	Earl of Lovelace
Viscount Combermere	Lord Crewe
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BISHOPS.

Norwich
St. David's
Tuam

BARONS.

Abercromby
Arundel
Beauvale
Carew
Dacre
Denman
Dinorben
Dorchester
Dunally
Dunfermline
Godolphin
Hastings
Howard de Walden
Keane
Holland
Lovat
Monson
Mountfort
Mostyn
Rossmore
St. John
Stanley of Alderley
Stourton
Stuart de Decies
Suffield
Talbot de Malahide
Vaux of Harrowden
Vernon
Vivian
Wenlock
Wrottesley

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 20, 1849.

MINUTES.] PUBLIC BILLS.—1° Defects in Leases Suspension; Fiscal Affairs (Ireland); Offences in Public Roads (Ireland); Public Health (Ireland).

2° Pilotage; General Board of Health; Customs; Workhouse Loans (Ireland); Drainage of Lands.

Reported.—Pilotage; Poor Law Union Charges Act Amendment; Nuisances Removal and Diseases Prevention; Inclosure Act (Extension of Powers); Collection of Rates (Dublin); Dublin Improvement (No. 2); Attachments, Courts of Record (Ireland).

3° Militia Pay; Advance of Money (Athlone to Galway Railway); New Zealand Land Conveyances.

PETITIONS PRESENTED. By Lord Dudley Stuart, from Marylebone, for the Sunday Trading (Metropolis) Bill.—By Mr. Coke, from the Docking Union, for the County Rates and Expenditure Bill.—By Mr. Lushington, from Westminster, for Reduction of the Public Expenditure, and for Parliamentary Reform.—By Mr. Newdegate, from North Cowton, against the Highways District Surveyors Bill.—By Viscount Duncan, from Brockenhurst, for Inquiry respecting the New Forest.—By Mr. Hindley, from Ashton-under-Lyne, for an Alteration of the Passengers Bill.—By Mr. Hollond, from Hastings, for the Protection of Women Bill.—By Mr. W. Fagan, from Cork, for Sanitary Measures.—By Colonel Thompson, from Bradford, for Acknowledging the Roman Republic.—By Viscount Ebrington, from Plymouth, against, and by Mr. Cardwell, from Liverpool, for an Alteration, of the Sale and Manufacture of Bread Bill.—By Mr. Briscoe, from Hastings, for an Alteration of the Sale of Beer Act.—By Mr. M'Gregor, from the Yorkshire Law Society, for an Alteration of the Small Debts Act Amendment Bill.—By Lord Rendlesham, from Blything, for the Removal of Smithfield Market.

PILOTAGE BILL.

Order for Second Reading read.

MR. LABOUCHERE moved the Second Reading of this Bill.

SIR G. CLERK observed that when the right hon. Gentleman brought in this Bill, he admitted that it might be considered objectionable to bring in a Bill of such importance at so late a period of the Session. He himself saw no reason why it should not have been brought in three months ago, which would have given ample time for its consideration by those who were affected by it. This Bill, as he understood it, was a selection of one clause out of a

Bill which was introduced ten years ago, but was without any of those provisions, safeguards, or qualifications which accompanied that Bill. The only defence which he had heard put forward was, that, being really a permissive measure, it would have very little effect in many quarters. That might be so, but if the Attorney General were present, he would ask him whether such a permissive Bill as this was not of an obligatory nature. This Bill would dispense with the compulsory part of the law, which required all masters to take pilots within certain limits, in favour of masters and mates who should pass an examination. He apprehended that it would be impossible for any public body, under the discretionary power here given, to refuse an examination. The Bill would therefore be imperative, and not permissive. There were peculiar objections to the Bill, arising out of the siuation of the Cinque Ports. The Trinity-house were allowed to license pilots between London-bridge and the Isle of Wight, thus going beyond the jurisdiction of the Lord Warden of the Cinque Ports. Now, supposing the corporation of the Trinity-house to grant any person a certificate of fitness to pilot from London-bridge to the Isle of Wight, would the master of any vessel with such a pilot on board be subject to a penalty for declining to take a Cinque Ports pilot if he came within the jurisdiction of the Cinque Ports? He should have stated that the jurisdiction of the Lord Warden of the Cique Ports extended from Dungeness to the port of London. He did not know whether that was the intention of the right hon. Gentleman in introducing the Bill, and he had understood him to say that he did not mean to interfere with any jurisdiction, but merely to grant this permissive power to public bodies if they should think fit to exercise it. Another difficulty which presented itself was the complication which would arise with the ships of those nations with whom we have reciprocity treaties. He doubted whether the masters of those vessels would submit to an examination; and if the owners were satisfied that they were competent to navigate the ships which they commanded, he saw no reason why they should do so. What would be the feeling in this country if the case were reversed? At present pilotage dues were charged on every vessel entering the port of Dantzic; but if Prussia took off those duties on Dantzic vessels, he ventured to say that twenty-four hours would not elapse before complaints would be made of this gross evasion of the reciprocity treaties between Prussia and this country. He considered it was of great importance to the merchants of this country that a supply of skilful pilots should be kept up to conduct the shipping which came to our ports safely through the shoals which rendered the south-eastern coast so dangerous. If, therefore, the interests of so valuable a body of men as the Cinque Ports pilots were likely to be affected by this Bill, he thought it but justice to them that time should be given to consider what would be its effect. He hoped that, as the right hon. Gentleman did not mean to proceed with the other Bill relating to the commercial marine, this Bill also might be postponed till next Session. He admitted that some portion of our shipping had a grievance to complain of with respect to pilotage—he alluded particularly to steam vessels. Complaints were made at Liverpool that steam vessels were almost daily coming up the Mersey, who were obliged to pay a very heavy charge for pilotage. As a remedy for that grievance, he thought that the owners of steam vessels making such voyages ought to be allowed to compound for a certain sum for pilotage charges, leaving it optional with them to take a pilot or not. If this Bill remained in its present shape, he should move that the second reading be postponed for three months, rather with the view of giving time for consideration, than as passing an opinion upon the merits of the measure.

Mr. MILNER GIBSON said, that the right hon. Gentleman opposite opposed the Bill with an ardour worthy the Member for Dover, on the ground that in its operation it would interfere with the jurisdiction of the Cinque Ports. It had been his (Mr. Gibson's) fortune to be in communication with gentlemen connected with the Cinque Ports, and although he disapproved of the separate jurisdiction, yet he must say that he had not found them taking so strong a view of the question as the right hon. Gentleman who had just addressed the House. Every one must see that the pilotage system, which was established when navigation was differently carried on, when surveys of the coast were imperfect, and when steam power had not been invented, and when, consequently, steam tugs were not in use, required alteration, and that the time was come when there must be made considerable alterations in the pilotage laws of this country. With regard to the compulsory system of pilotage, it seemed to him strange that you should force persons on shipmasters to take charge of their vessels, and if those persons should lose the property there was no claim for compensation. Suppose that on a ship entering the Channel, a pilot was sent on board to take charge who was wholly unfit for the duty, as had lately very frequently occurred, and that the merchant was ruined, was it right that he should then be told that it all arose from the anxious desire of the Legislature to take care of people's property? There had recently been several complaints of old and superannuated pilots being sent on board vessels, and all that this Bill did was to permit the authorities to dispense with sending a pilot in cases where shipmasters showed themselves competent to the duty. In his opinion the right hon. the President of the Board of Trade did not go far enough; many would go much further, and attack the exclusive privilege of the Cinque Ports. He would, therefore, as a matter of policy, recommend the Members for Dover not to oppose this Bill, as they might only bring upon their constituents a more searching and comprehensive measure. He hoped the measure would not be taken in the light of final legislation, or as an indication that the Government did not mean further to persevere in the improvement of the pilotage laws. He believed that great relief would be given to the commercial and shipping interests by the adoption of a more liberal system. Before he sat down, he must remind the Members for the Cinque Ports that there were complaints from the shipping interest that their rates of pilotage had not been reduced since the adoption of steam-tugs. The Trinity-house had made a reduction of one-third, and it had been a most seasonable relief to the shipowners. It was certainly very hard now that vessels were towed up from the Downs that they should pay as much pilotage as formerly, when the trouble and delay were so much greater. The Trinity-house had felt the justice of this, and had reduced these charges, and it was only reasonable to expect that the Cinque Ports would follow so good an example.

MR. RICE said, that the right hon. Gentleman who had just addressed the House was mistaken in supposing that he (Mr. Rice) differed from the views which had been expressed by his right hon. Colleague upon that subject. He believed the Cinque Ports had rendered great services to the mercantile marine of this country. He found that, during the last ten years, the officers of the Cinque Ports had piloted in perfect security up the Channel 3,800 vessels; that during that time there had been only fourteen complaints against those officers; that of those fourteen complaints, six only had been established; and that only three pilots had been dismissed. If the Bill were allowed to remain unaltered, he felt, like his right hon. Colleague, that it would be his duty to oppose its further progress. He should proceed to state, as shortly as he could, what were the principal objections which he entertained to the measure, and which he hoped the right hon. Gentlemen at the head of the Board of Trade would consent to remove. In the first place, he thought that the right hon. Gentleman ought to introduce some words for the purpose of showing more clearly that the Bill was to be one merely of a permissive character. In the next place, he wished that, as it was proposed to give licenses to the masters of vessels to act as pilots, those licenses should be confined to the particular vessels of which they had charge. Again, he wished to see an alteration effected in that provision which directed that the master of a vessel, piloted by himself, should not avail himself of the services of any person except the ordinary crew. Now, the result of adopting that provision would be, that a master with a ship in a state of distress could not avail himself of the services of that valuable class of men along our coasts, who were known as boatmen and lightermen. He hoped that a provision of so manifestly objectionable a character would be modified by the right hon. Gentleman. But the most important point with which they had to deal was that arising out of the concurrent jurisdiction of the Trinity-house and the Cinque Ports in the Channel. The arrangement adopted under the existing system was, that the officers of the Cinque Ports piloted all vessels up the Channel, and the officers of the Trinity-house piloted all vessels down the Channel. Now, as the Bill was to be one merely of a permissive character, it appeared to him that it would not be fair to allow a master who had received a license from the Trinity-house only, to pilot his vessel either up or down the river, and he hoped that no such power would be given by the Bill. If the right hon. Gentleman were to alter the measure so as to meet the views he (Mr. Rice) had just put forward, he should not think it necessary to oppose its further progress; and he hoped his right hon. Colleague also would then consent to its passing without any delay.

CAPTAIN PECHELL was very glad it was in his power to support this Bill, it being a step in the right direction. He did not think that, with the precautions that were taken, it would affect the Cinque Port pilots at all. He hoped that the Government would persevere, and that this Bill would be the precursor of a very great reform in our pilotage laws.

MR. J. L. RICARDO said, the case stood thus—there was a monstrous monopoly in existence, which imposed a heavy burden on shipowners. One corporation, who were the instrument by which this burden was imposed, were desirous of making some relaxation; but in the way of this relaxation there stood a vested interest, in the shape of pilots, who were protected by the law. The right hon. Gentleman the President of the Board of Trade now brought forward a Bill to enable the Trinity-house to make a relaxation in the burdens on shipping, and the right hon. Baronet the Member for Dover opposed it because he feared that the good which it would effect was so great that the Cinque Ports would be obliged to make a similar alteration. That was the real question before the House. He thought the right hon. Baronet would have done better for his constituents if he had not raised the question of the Cinque Ports. The Government had not precluded themselves, by bringing forward this Bill, from going into the whole question of this monstrous abuse and monopoly; and if it should be gone into, the less the Cinque Ports thrust themselves forward the better. Compelling a master of a merchantman who knew the Channel to take a pilot, was just like obliging the driver of an omnibus between Hyde-park and the Bank to take a man on the box to show him the way. The shipping interest of this country only asked to be permitted to steer their vessels in their own way, and every other question was between the underwriters and themselves. He should be very glad to hear what permanent course the Government intended to pursue respecting pilotage, this being merely a temporary Bill.

MR. ANDERSON said, that, as a steam shipowner, he wished to say a few words on this subject. Pilotage fell on steam vessels more frequently and unjustly than on any other class of vessels, because from the frequency of their voyages the masters and mates of those vessels acquired a very intimate knowledge of the navigation connected with the ports to which they sailed. There was a steam company which ran between Liverpool and Dublin, which paid 5,000*l.* a year for pilotage dues, though they never employed a pilot at all. With regard to the Cinque Ports pilots, he knew a certain steam company who managed their pilotage in this way: they took one of their officers, in whom they placed confidence, and hired a small house for him at Dover or Sandgate. He then obtained a pilot's license from the Cinque Ports, and thus the company saved money. Although this was a very inadequate measure, he was satisfied with it at present, because he was aware that the Bill did all that could be done at the present time.

MR. MOFFATT supported the Bill, but said that he was enabled to state, with regard to a large portion of the shipping interest, that they viewed the Bill with satisfaction only as the prelude to a larger and more comprehensive measure, both with respect to pilotage and light-dues. It would otherwise be regarded with great dissatisfaction. He trusted that when the right hon. Gentleman addressed the House, he would allay the fears which now existed in the minds of the shipowners on this subject.

MR. LABOUCHERE said, the House would recollect that when he first brought this subject under their notice, he had stated that it was not his intention to introduce what he could call a comprehensive and satisfactory measure with regard to the pilotage system of this country. Indeed, he should have quite despaired of being able to do so with any prospect of bringing such a measure to a conclusion in the present Session. But as he believed that an opportunity had presented itself of affording a just and immediate practical relief to the shipping interest of this country on the subject of pilotage, he had thought that he ought not to forego that opportunity, because he could not at the time enter into all those difficult questions which must be solved by any one who undertook to revise or remodel so ancient and complicated a system as that on which our pilotage was conducted. He had always admitted that any such comprehensive measures would be a great advantage to the trade and shipping of this country. The subject had been investigated by more than one Government; but the difficulties by which it was surrounded were such, that no satisfactory mode had yet been found of meeting them. He would not say, however, that he entirely despaired of being able to pass such a measure. He believed that public attention had of late years been more than usually directed to the subject; and he was sure that it would, after the passing of that measure, receive more of the notice of shipowners than it had ever before received. But if he were at that moment to give a pledge of any kind upon the subject, he could only promise that during the recess he should devote to it his best attention, and that he should most sincerely rejoice to see a prospect of bringing it to a satisfactory settlement. The measure before the House, however, was one of a more limited and narrow description. It was a Bill of a merely permissive character, for the purpose of allowing those bodies which had jurisdiction over the pilotage of this country to relax the monopoly which they at present possessed, by granting to masters and mates of vessels licenses to pilot their own vessels, if it should be found on examination that those officers were capable of discharging the duty. That was the principle of the Bill, and it was his desire to carry out that principle with perfect good faith. He certainly should not have ventured to have proposed a measure like that of a merely permissive character, if he had not had reason to believe that one of those bodies proposed to act on the permission; for he should think it an affront to our shipping interest to create an opportunity of extending to them a boon, if he believed they were not in reality likely to receive it. He had already stated, when introducing the Bill, that one of the most important of those corporations, the Trinity-house of London, whose jurisdiction was so extensive in the ports of this country, had authorised him to inform the House that they meant to act on that permission, and that it was their intention to give that relief to the trade of the country which would be given by their allowing masters and mates to pilot their own vessels, after the competency of these officers to discharge that duty should have been properly ascertained. That was the simple object with which he had proposed the measure. His hon. Friend the Member for Dover wished to know whether he was going to introduce into the Bill certain alterations which his hon. Friend had recommended. Now, he had already stated that his wish was, that the Bill should be *bonâ fide* one of a merely permissive character; and he should certainly think that he was forfeiting the pledge he had given upon the subject if he were to ask the House to introduce into the measure any compulsory provision. He had revised the Bill with his hon. Friend, with a view of considering the objections which he, on the part of his constituents, had to make to it; and as he (Mr. Labouchere) had been led to think that there were some parts of the measure which would not fairly carry out the object for which he had proposed it, inasmuch as they would be of a compulsory character, he believed he should be wanting in good faith if he did not alter those provisions. With regard to the most important suggestion of his hon. Friend — he meant the suggestion with respect to those cases in which there was a combined jurisdiction in the Cinque Ports and the Trinity-house—he should state that he thought it right that a master or mate should have certificates from both these corporations before he could be allowed to pilot his vessel in those waters in which they had a concurrent jurisdiction. He did not think that the certificate of one of those bodies ought to suffice, or that it ought to be allowed in that way to trench on the jurisdiction of the other. He should not therefore object to the introduction of the Amendment suggested by his hon. Friend upon that point. The right hon. Gentleman the other Member for Dover had started an objection, which if there were any validity in it would be altogether fatal to the principle of the Bill. The right hon. Gentleman had said, that although the measure might seem in its terms to be merely permissive, it would in reality be compulsory in its operation. Now he (Mr. Labouchere) had consulted his hon. and learned Friend the Attorney General upon that point, and his hon. and learnrd Friend had assured him that he had no doubt but that the Bill would be merely permissive, and could in no way be compulsory. But in order completely to satisfy the right hon. Gentleman, he (Mr. Labouchere) would have no objection to introduce after the words "if they should think fit to do so," the words "and not otherwise." That addition would, he believed, completely remove the objection stated by the right hon. Gentleman. He should further say that he was prepared to introduce the other alterations suggested by his hon. Friend. He believed those alterations would only tend to confine its operation to the object for which he had brought it forward; so that the measure would be entirely permissive, and would contain no obligatory provisions. He had every reason to believe—indeed he was entitled to state to the House—that the permission which it would give would be made use of by the Trinity-house corporation; and by that means he thought that a considerable relief would be given to the shipping interest of this country with regard to the pilotage system, as far as it was under their jurisdiction. With respect to the other corporation, he was not empowered to make any such statement. But he should be extremely glad to find that they would be prepared to follow the example of the Trinity-house; and he believed that if they should do so, they would conciliate public opinion in a way which would show true wisdom on their parts in appreciating their own interests, while it would also be most beneficial to the commerce of the country; and he hoped that under those circumstances the House would agree to its immediate adoption.

Mr. GOULBURN concurred in the propriety of making this a permissive rather than a compulsory measure. The House should recollect that at the present moment we were bound by the reciprocity treaties that no additional charge should be placed on the foreign ships beyond that imposed on the British ships. Now, if a foreign ship took a pilot on board, the owner of that vessel would have to meet a charge from which the British vessel navigated by a competent master would be exonerated; and the probability was, that that charge on the foreign ship would cause applications to be made to the Government to be released from the impost. He presumed the master of a foreign ship would not be subjected to an examination before the Trinity Board; and therefore it was most desirable to hear from the right hon. Gentleman the President of the Board of Trade, whether this measure would impose a charge upon the Treasury of the nation under the terms of the reciprocity treaties?

Mr. LABOUCHERE did not believe that the difficulty suggested by the right hon. Gentleman would arise. If a foreign ship coming from ports in the vicinity of our shores had a master or mate on board competent to pilot her into an English harbour, she would have as good a right to employ that master or mate as any British ship would have. It was not likely that any foreigner would have sufficient knowledge to enable him to pilot into a British port; but if the foreigner employed an English master or mate on board, and that master or mate could pilot the vessel in, it would be wrong to deprive the foreigner of that privilege. The Act, therefore, would place the foreign and British ship on a footing of equality in this respect.

Mr. GOULBURN was afraid he had been misunderstood. It was probable enough that if the foreigner employed an English master or mate, no claim could lie against the Treasury; but if the foreigner was put to a charge for pilotage, from which the English vessel was freed, he thought the demand would in all probability be made.

Mr. WAWN said, that he, for one, could not denominate this a measure for the relief of the shipping interest. He approved of it so far as it went, but it did not go far enough. It left restrictions upon the British shipowner which could not be imposed upon the foreigner; and he had to express his regret that when the Bill for the repeal of the navigation laws was before the House, the hon. Members for Dover did not advocate the necessity of placing the British upon an equality with the foreign shipowner.

Admiral BOWLES asked whether there would be any objection to limit the permission to be examined before the Trinity and other competent boards in this country to natural-born subjects?

Mr. LABOUCHERE said, he should be sorry to introduce any clause of the kind. He could hardly conceive it possible that the foreigner could obtain such a knowledge of our harbours as would enable him to pass an examination in this country; but if he had sufficient knowledge on that score, the mischief was already done, and he could not be a more dangerous man than he was. He should not exclude him from the privilege, the object of the Bill being to place the question of the pilotage upon an equal footing.

Mr. H. BERKELEY said, that however beneficial the Bill might be in many respects, it would be certain to throw a great many of that hardworking and industrious class of men, the pilots, out of bread. He should like, therefore, to see some compensation granted to these unfortunate men; and if no other hon. Member did so, he should introduce a clause to that effect. The House should recollect that when coachmen and postboys were thrown out of employment, they had the option of acting as servants on the railways, but that pilots had no other means of support than that obtained by the dangerous calling to which they belonged.

DR. NICHOLL observed, that ships which took a pilot on board were exempted from liability to other vessels whom they might run down while they were under his charge, upon the ground that the pilot was not the servant of the owner of the vessel, but was cast upon him by a superior authority. He did not think that, as the Bill was worded, any difficulty would arise on the subject; but he would suggest for the consideration of the right hon. Gentleman whether in Committee it would not be expedient to introduce some clause carefully guarding against such a construction under the proposed law. If the master piloted the vessel, then, being the servant of the owner, the shipowner ought to be responsible.

MR. LABOUCHERE said, that a suggestion like that proceeding from his right hon. Friend was worthy of every attention, and he would give it his best attention. With regard to the question of compensation, which had been raised by the hon. Member for Bristol, he thought that it might be safely left to the constituted authorities to do what they thought just towards their servants. He did not himself believe that any class of persons would be thrown out of bread by this measure.

Bill read 2°, and committed; considered in Committee, and reported; to be printed, as amended; re-committed for Monday next at twelve o'clock.

OUTRAGES, CASTLEWELLAN—THE EARL OF RODEN.

VISCOUNT JOCELYN rose and said: I trust the House will grant me the privilege and indulgence which they are accustomed to accord in all cases of a personal nature, while I advert to certain animadversions on the character of a noble relative which were made in a debate in this House last night, unhappily during my absence. I regret I was not here when the discussion took place of which the hon. Gentleman the Member for Mayo gave notice; and I must confess it is owing to my own negligence that I did not see, by the papers of the House, that such a discussion was to take place, and that I was not present at a debate connected with a most unfortunate and painful affair which occurred in the country to which I belong. I have nothing to complain of in the notice that was given by the hon. Gentleman, which unfortunately gave rise to a personal attack on a near and dear relative of mine, whose character, as far as I understand, was unanimously admitted by all parties to stand above reproach. I might allude to the attacks which were made upon my noble relative by other Gentlemen; but I must say here, that it would have been but fair in them, and at all events in accordance with the honorable course usually pursued in this House, if they had told me it was their intention to make these ungenerous attacks. Not only I, but there was with myself my noble Friend the Member for the county Down, who should have made it a point to be present. As it happened, however, neither of us were here on the occasion. Now, however, I will not advert further to those personal attacks upon my noble relative; they will not injure him. But I will advert to those charges which the hon. Gentleman has made upon the conduct of my noble relative in connexion with this unfortunate occurrence. I am informed by my noble relative that previous to the 12th of July he had been given to understand from large bodies of persons connected with the societies to which he had long belonged, that it was their wish and intention to pay him a visit of respect and affection at his own residence. My noble relative states, that he communicated with them, and succeeded in inducing many thousands of persons who intended being present to relinquish their intention. He stated at the same time that his gates should never be shut against any loyal man in his neighbourhood who chose to visit him on the 12th of July. But it was stated last night, most confidently, in this House, that 5,000 armed ruffians were received into his parlour, where they were fed and treated in such a way that, from the description given of it, people might naturally be led to think that they must have gone from my noble relative's house in a state of inebriety to disturb the country through which they were to pass. On the contrary, my noble relative, knowing the feeling which still existed in the minds of many, in order to prevent the possibility of any collision among the people, took upon himself to exert that influence which it is well known he has acquired to so large an extent through the whole of the north of Ireland—which he possessed as an old member of the society to which these persons belonged—and which he wielded in consequence of his position in society. When they reached his park, he states that he addressed them; and I may now say, that I am satisfied, having read the address which he made to them, although there may be some language in it which, perhaps, I may say, is almost too loyal; there is nothing in that speech, I believe, which any man might be ashamed to address to his fellow-countrymen. I believe, and it is my firm conviction, that if, by speaking and addressing these people, my noble relative thought he could induce them to refrain from any collision similar to that which had unhappily resulted, it originated from his desire to exert his influence in allaying those feelings which might possibly exist in the breasts of those around him. I trust the House will permit me to read one or two lines from his speech, in confirmation of what I have said. He said—

> "I trust that you will ever show to those who disapprove of your organisation that you are not a faction driven by party violence to commit unlawful acts: but that you wish to see all denominations enjoying the blessings which you seek for yourselves. I trust that your motto is unchanged, '*Semper eadem*'—involving the preservation of your rights, the promotion of peace, and the welfare of all denominations of your fellow-subjects. I trust that you will rather take evil than promote it—that nothing will induce you, in returning to your homes, to resent any insults you may receive."

That was the language of the speech in which he addressed them, using his influence that he might prevent the catastrophe which occurred; that was the language in which he addressed them, expressing his trust that nothing might be abroad to stir up a feeling of animosity or ill-will between the two parties. I understand, also, that in the presence of so many gathered together, while he was addressing them in that language, they were surrounded by a number of Roman Catholics, who joined them at the time within the precincts of his grounds, and that no appearance of ill-will whatever was displayed. I can assure the House that no one more deeply deplores than my noble relative this unfortunate catastrophe. That my noble relative, possessing influence, and having addressed this multitude of people, would have used the opportunity for any other purpose than to have prevented the occurrence which we all deplore, is an opinion which I thought no one in this House would have entertained; the more especially as my noble relative enjoys the respect and affection of both parties in Ireland, throughout the district in which he resides, where no man was more dear to the Roman Catholic or the Protestant. I have to thank the House for the patience and indulgence with which they have heard me. I have refrained from entering upon the general question, because I think we have not before us the information which would enable us to come to any satisfactory conclusion upon it; and having adverted simply to the personal matter mixed up with it, I shall not allude further to the subject.

Sir G. GREY said, he felt that some apology was necessary to the hon. Member for Mayo for his accidental absence from the discussion last night. The fact was, that having had occasion to go out of town yesterday morning, he had a good deal of public business to attend to on his return, and did not observe the hon. Gentleman's Motion on the Votes, otherwise he should have been present. He hoped, however, that he would now be permitted to state that the Government were convinced—although they had arrived at the conclusion with deep regret—that it would be necessary for them to introduce a Bill to prohibit party processions in Ireland. The House was aware that a temporary Act for the purpose of preventing processions in certain cases was suffered to expire in 1845; and he certainly had hoped that it would not be necessary either to renew that Act, or to introduce another of the same kind. The Government, however, had come to the resolution of introducing, at the commencement of next Session, a measure not merely for prohibiting party processions in certain cases, but to prevent all processions of persons carrying arms, or emblems calculated to create animosities or excite violence. And while he made this announcement, he begged also to say, that he could not for a moment countenance, but, on the contrary, must strongly protest against, the doctrine held in certain places, that because the former Act had been allowed to expire, such meetings were therefore necessarily legal. It was not necessary to constitute an illegal meeting that it was prohibited by statute law. Under the common law, a meeting, although connected with a society that was perfectly lawful, might, from the circumstances attending it, be an unlawful assembly, although not prohibited by express statute. If the assembly or procession consisted of large numbers of armed men, and was calculated to inspire terror, or lead to a collision, or to a breach of the public peace, it would be an unlawful assembly. It would, of course, be at the discretion of Government or of the local authorities whether they should take any means to prevent such an assembly or procession from taking place, or whether they should provide against the probable consequences resulting from it. But he was anxious, after what had been said, and in consequence of the question which had been put by the hon. Member for Limerick last night, to state what he believed to be the common law of the land. With reference to the melancholy occurrence of the 12th of July, he agreed that it required the strictest and most searching investigation into all the circumstances connected with it.

VISCOUNT CASTLEREAGH hoped the House would permit him to state that he had received a letter from the Earl of Roden, and to read a part of it to them, with respect to the fact of there being Roman Catholics present in his park on that occasion. He assured the House, from his own personal knowledge of the noble Lord, and the parties residing in the district of Tullymore-park, most of whom were Roman Catholics, that the most entire good feeling was entertained towards him by those parties. He said he was firmly convinced that the Earl of Roden took the course which he believed best calculated to ensure the peaceful dispersion of those who came to pay him a visit of respect. For he did not invite them; they themselves came to him; and having been connected with the body to which they belonged for many years, it was not likely on that occasion that he should turn the cold shoulder to them. He gave them a welcome to his park and his domains. But that led him to remark, if any transaction could be admitted as an excuse for it—if any excuse could be admitted for it—they must look to late events which had occurred in Ireland as a reason for the Orange body being more upon the *qui vive*, and more excited than usual. He could not help thinking that that was the cause for their assembling in so large numbers, and that the Earl of Roden, seeing the state of their feelings, used his influence to prevent collision. That result, which afterwards turned out, was not more sincerely regretted by any man than by the Earl of Roden. He did not mean to say, entirely unconnected with them as he was, and yet agreeing with them in many things, that the Orangemen had not on many occasions come forward and done themselves credit. But he was extremely sorry to say that so long as societies of this kind continued to thrive in Ireland, the peace of the country could never be consolidated—never while there were societies of Orangemen and Ribbonmen. He said he pressed the Government last year to introduce some measure for the repression of these manifestations, but they said they could do nothing. Again, this year, about the 17th of March, when a collision took place of a somewhat similar nature, though not in connexion with these societies, he pressed the subject upon their attention; and surely there was time to introduce a Bill upon the subject. But, no; it was kept back so long that it would have been felt as a stigma if the Bill had been introduced so nearly before the 12th of July. If such a Bill had been introduced, he was sure it would have been received with approbation on both sides of the House; and what were the feelings of the Earl of Roden upon this subject would best appear from a letter which he held in his hand, written by that noble Lord some time ago. [The noble Viscount then read an extract stating that the Earl of Roden felt it would be right to bring in a Bill for the suppression of processions entirely in Ireland—that he trusted some such measure would be introduced without delay, which would have the effect of at once and for ever putting down all party processions.] In conclusion, he would say, that he agreed with the Earl of Roden in his opinion that measures ought long ago to have been taken; but he must remind the House at the same time of the large masses of Orangemen that were collected on the same day over the whole of the north of Ireland when no collision whatever took place.

MR. BRIGHT was not about to repeat the observations he had made on the previous evening; but he thought that the noble Viscount who had just spoken should not attempt to make it appear that Government had neglected their duty in not passing the Act, because he (Mr. Bright) believed that they had acted in accordance with the opinion of Parliament, in refraining at that time. The noble Viscount should rather turn his attention to the gentlemen of large property in the north of Ireland, who must know that these processions were contrary to law. If that were true, great blame must attach to those noblemen and gentlemen —some of whom were concerned with the administration of justice, and who did not on the recent occasion make use of their combined authority and influence to put a stop to these processions. Without saying a word against the Earl of Roden, whose private character he had always heard highly spoken of, he must say it was time that noblemen and gentlemen of influence should separate themselves from this old and bad system, through which the country had suffered so much. And although the Earl of Roden might not have thought it right to shut his park gates, yet he might have issued such a previous proclamation or address as would have prevented the catastrophe. He wished to ask the right hon. Gentleman the Secretary for the Home Department, whether the Government intended to make a real and rigid inquiry? He did not mean by sending down to the Earl of Roden, or the magistrates, for their own account of the transaction, because it was likely to be a one-sided account. What he asked for was a special inquiry, such as had been known in this country and in Ireland in former times, when events of a similar nature took place—an inquiry whereby not only the facts as to the death, but as to the origin of the affair, would be elicited; who had got up the procession, who had attended it, and whether those who ought to have discountenanced it had participated in it.

Captain ARCHDALL rose to order. There was no question before the House.

Mr. SPEAKER overruled the objection.

Mr. BRIGHT: One witness had stated at the inquest that he could give the coroner the names of many who were present, and were, therefore, responsible. He was quite sure that Government could not institute too rigid an inquiry, for he was certain that Parliament would require and the country would insist on it.

Mr. HUME could not allow this discussion to close without saying a few words. He had been chairman of a Committee of that House which had reported in favour of the suppression of those assemblages, and an address had been presented to the King, who sanctioned its recommendations; and the present King of Hanover called upon all the Orange lodges, of which he was then at the head, to dissolve, they being illegal bodies. He could not but express his regret that those lodges should have been reconstructed, and those illegal processions continued. If any one opened the book which contained the evidence given before that Committee, they would at once see how dangerous it was to suffer such associations to exist, and what melancholy results had always followed from their proceedings—how they kept alive party feeling — increased sectarian rancour, and turned away the minds of the people from the pursuits of honest industry. He could not help repeating, what he had formerly stated, that if any nobleman in the service of the Crown, however high his rank or estimable his private qualities, so far forgot himself and his position as to lend himself to a movement and a body which could do nothing else than stir up religious rancour, and disseminate ill-will among the Queen's subjects, the Government was bound to act upon the precedent which they had formerly made, and dismiss him. Such a person ought to be removed from the commission of the peace. It was not upon the heads of those noblemen and gentlemen that the fatal consequences of such gross misconduct fell, but often upon innocent parties. Those associations ought to be discontinued at once and entirely, not merely by the Government, but by the local gentry—by every man of station, rank, and influence. He regretted to find that more coercive legislation for Ireland was necessary, but he felt it to be his duty to give his cordial support to the Bill which the Government intended to introduce.

Subject dropped.

WAYS AND MEANS.

Order for Committee read.

Class 5 of Annual Finance Accounts (presented 23rd March), and Account of Monies in the Exchequer (presented 4th July), referred.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HERRIES then said, he should not have interrupted the current of observations on the subject before the House, if he had not believed it was decidedly the general wish to discontinue a discussion which had already been more protracted than, perhaps, was necessary. Having said thus much, and as he was upon his legs, he proposed now to submit for the consideration of the House a Motion which he deemed to be of the greatest importance that could at the present time come under their notice. The subject was, undoubtedly, of very great importance; and although he felt he could not do it justice with such abilities as he possessed, he yet hoped, with the attention and indulgence of the House, to proceed to lay the subject before them; and, in doing so, he promised to compress into as short space as possible the observations he had to make. He said it would seem from his Motion that the subject he was about to lay before them was of a purely financial character. He said it was his intention to keep out of the statements which he might make, and the arguments by which he sought to support them, all consideration of a question which might appear to be mixed up with this subject—he meant the question of free trade. There were two motives which induced him to address the House on this subject. The first of these motives was derived from the statement of the finances of the country which was recently submitted by the Chancellor of the Exchequer. It certainly was not by any means very flattering at the best—very far from it; and he confessed that the more he looked at it, the more was he satisfied, with every disposition to do no more than justice, that the right hon. Gentleman had taken a more favourable view of the financial state of the country than he ought to have done. If that was the case, and if it was true that he endeavoured to exhibit the best side of the picture, and that, at best, such was the state of the finances, that they could only hope, by the right hon. Gentleman's own admission, to squeeze through the year upon which they had entered, they were necessarily led to consider whether there was yet any additional source of income remaining, and to avail themselves of that source. He said he was not going to enter upon a critical examination of the right hon. Gentleman's budget statement; for if that had ever been his intention, he thought it ought to have been done at an earlier period. But allow him to say, that the accounts submitted to the House since that statement was made, had not exhibited a more favourable view of the public expenditure than those laid on the table before; they rather tended in the other direction. When he looked to the year ending the 5th of July, 1849, when he looked at the income and expenditure of the country, and when he considered on what the hopes of the right hon. Gentleman rested, he must say, although himself one of the most sanguine as to the finances of this country, that the probable deficiency of the income, as compared with the expenditure, would be greater than the right hon. Gentleman seemed to expect. He said, to illustrate his meaning, he should point, for instance, to the first item in the Revenue Account — the Customs. Under that head, he found, for the year 1848, the sum of 19,883,000*l.*, and for 1849, 20,827,000*l.*, giving an apparent increase of 1,000,000*l.*—an amount which would have been taken as indicating a prosperous state of the finances. But when he came to deduct from both sides of the account the amounts which for several items were received in both years, the case was different. A comparison of the amounts received for duty on corn during both years, showed not an increase but a diminution. He was very far from pretending to prophesy evil from this day forward; but he did not see that there was any room for the exultation of the Chancellor of the Exchequer. Again, taking the Excise, he found there was a falling-off in that last year, as compared with the former. When the right hon. Gentleman estimated what would be the probable amount of the Excise next year, he accounted for the difference between this and the last year on the ground that the hop duties were postponed, and also the malt duties. But whatever arrears might have been due on the 5th of July, 1849, let him say, with respect to the hop duties, that these were not merely postponed, but that with such a season as they had had, there was nothing like the amount for which the Chancellor of the Exchequer took credit that would be received. He confessed his belief that the difficult position in which the right hon. Gentleman found himself, was not likely to be improved as the season advanced, but, on the contrary, he thought it was likely his difficulties would be increased and complicated. Under these circumstances it was that he approached the subject which he was more especially desirous of introducing — the question of a fixed duty on corn, whereby an addition might be made to the public income of the country, without imposing any additional burden upon the people. This, he said, was more peculiarly a favourable time for this question. We had suddenly ceased to have a duty, and corn was imported free. In the course of the debates upon the corn laws, it had been repeatedly argued that a moderate duty would enhance the price to the consumer; and the noble Lord at the head of the Government must have been of that opinion; for in 1841, in his character, *quâ* protectionist, he proposed a duty of 10*s*., especially because it would keep up the price of corn to between 50*s*. and 60*s*. The noble Lord made that proposition for the purpose of doing justice to the landed interest, the argument then being that a moderate fixed duty would enhance the price. It happened, however, that there was the evidence of facts of a remarkable nature to the contrary. In January and February, 1848, there was no duty upon the importation of corn; whilst in March and the subsequent months there was a duty of 7*s*. and 8*s*.; but he found that the imports in January and February did not vary to any material extent from the imports of the four subsequent months. For example, the imports in January were 82,000 qrs.; in February, 97,000 qrs.; whilst in March, they were 84,000 qrs.; in April, 116,000 qrs.; in May, 121,000 qrs.; and in June, 112,000. Nor was there any material variation of price, comparing the months when there was no duty, with the rest of the year. For instance, the average price in January was 50*s*., and in February, 50*s*. 2*d*.; whilst in March, when the duty was 7*s*., the price was 50*s*. 9*d*.; in April, 50*s*. 5*d*.; May, 50*s*. 3*d*.; June, 49*s*.; July, 47*s*. 7*d*.; August, 48*s*. 7*d*.; September, 50*s*. 11*d*.; October, 54*s*. 2*d*.; November, 51*s*.; and December, 51*s*. 9*d*. And in January, 1849, the last month in which there was any duty — for on the 1st February it fell to 1*s*.—the price dropped to 48*s*. 2*d*. There was then a duty in January of 9*s*., and in February, of 1*s*. From that time the price had scarcely varied, being, in January, 48*s*. 2*d*.; in February, 45*s*. 5*d*.; in March, 46*s*. 1*d*.; in April, 44*s*. 11*d*.; in in May, 44*s*. 9*d*. During this period there had been an equal importation, and nothing to vary the price; so that the duty had not affected the interests of the consumer so far as concerned the price. Such were the conclusions of experience, and he ventured to say, they had opened new lights, of which advantage ought to be taken. He wished to argue this question without introducing the subject of free trade. He wished to argue it not as a protectionist, but as a plain straightforward reasoner. He hoped to be met in the same spirit, in order that it might be ascertained whether it were true or not that a moderate duty upon the importation of corn could be levied without altering the price. This was the question; and the facts, as he contended, supported his view of the case. It happened, too, that theory justified and supported the facts. Between the price at which corn could be produced in a foreign country and brought to this, there existed, and would always exist, a considerable difference. It was not necessary for his argument that he should make any assumption of a price at which it could be grown and brought to this country; but if he took it at 32*s*., there would be still room, after payment of duty, for a profit. If there was such a margin that a fixed duty could be paid, and a profit still remain sufficient to draw the corn to this country, the effect would be produced which was produced every day under our own eyes. He might be told that many persons had lost by importing corn. That might be so; but the question was, what arrangements they had made with the producer? It was in the nature of things that the producer in foreign countries would endeavour to adjust his prices to those which could be obtained in this country, and that he would not allow British speculators to take all the profits. We knew from experience that a singular fact had occurred in confirmation of this view. When in March, 1848, the duty of 7*s*. took effect, there occurred a corresponding diminution in the demand of the foreign producer of the price at which he would sell at Dantzic and other places. In other words, there was a fall in price at the place of production corresponding with the additional charge or duty imposed in this country. This was a fact of great importance, and one that should be well considered in any opposite view that might be taken of the subject. It led him to consider the effect of the imposition of a fixed duty for revenue only upon the importation of corn. The only effect a fixed duty could produce, he apprehended, would be a diminished price. Supposing the price to rise greatly in this country, the more easily would the importer support and pay the fixed duty; and the question was, if prices descended so low as to be below the price at which it could be produced abroad and imported hither, paying all charges, it could pay a fixed duty without deterring importation. Ought this to deter us from the adoption of such a mode of raising revenue at the expense of foreign countries, and only at the expense of part of their produce? He admitted, that if prices went down 8*s*. or 10*s*. below their present amount, the effect of a fixed duty would be to repress importation. Whatever duty was imposed, 8*s*., 6*s*., or 5*s*., whenever prices here came pretty nearly those of France and Belgium, undoubtedly no importation could be expected; but all other countries of a cheaper character would still come to us, even with a fixed duty. He wished then to impress this fact upon the Government—that if we could derive from the importation of corn, of which we always required some, an accession to the public income, perfectly free from all inconvenience to the consumer, not laying the weight of a feather upon any, but taken only from the profits of the foreigner sending the corn, or of the importer taking advantage of his means of getting it, it was their duty to adopt it. Even if it were only 100,000*l*. they ought to consider it; but the truth was, it would amount to millions. What right had we to cast away unnecessarily the smallest amount, especially of that which came from the pocket of the foreigner? Reckoning the profits of the foreigner or the importer to be 25 per cent, why not take 10 per cent for the public treasury? A handsome profit would still remain; and he contended, that in the present state of the Exchequer it was an object of no small importance to give relief, if it were only to one interest now suffering from taxation, by placing the burden where it ought to be—upon the foreigner. To illustrate this he would remind the House that in January, 1849, there were imported 754,386 quarters of grain of all sorts, and 695,283 cwt. of meal and flour of all sorts. A 10*s*. duty upon wheat, and corresponding duties upon the other articles, would, he calculated, have produced no less than 530,000*l*. or 540,000*l*. In the succeeding four months—February, March, April, and May—the imports were very considerable. Of grain of all sorts they were 3,294,456 quarters; and of meal and flour of all sorts they were 1,414,330 cwts. If the duty which existed in January, 1849, had continued through the succeeding months of February, March, April, and May, there would have been derived from them a revenue of 1,700,000*l*. At the average duty of the last four months it would have produced 750,000*l*.; but the actual receipt had been, at the 1*s*. duty, about 210,000*l*.; so that in those four months there had been lost to the country about 540,000*l*., or at the rate of 1,500,000*l*. This 540,000*l*. might have gone into the Exchequer, without the slightest effect upon the British consumer. He was not about to recommend any particular duty, but if he assumed it at 5*s*. for wheat, and 2*s*. for all other grain, he believed the produce would have been 750,000*l*., being 540,000*l*. more than had actually been received from the 1*s*. duty. The more he considered this subject, the more deeply was he impressed with the conviction that a great benefit might be derived from a fixed duty upon the importation of foreign corn, and that without pressing upon the consumer. It was hardly necessary for him to point out the enormous sums we had paid for foreign corn in the last two years. The right hon. Gentleman the Chancellor of the Exchequer said that since 1847 the cost had been nearly 30,0000,000*l*. In 1848 it was about 12,000,000*l*., and about the same sum in the first five months of 1849, taking the average price at 45*s*. Now if there were a profit to that extent, it was clear that the advantage was not obtained by the consumer. He found that France had sent corn to this country last year, when the price was 45*s*. and the duty 10*s*., which was a proof that even a duty of that comparatively large amount still left the French corn-merchant a profit which he thought it worth while to realise. The result to which he arrived was, that last year three millions of English money, and in the first five months of the present year three millions more, had gone as profit, to be divided between the foreign grower and the importer. He did not mean that the foreign grower and the importer were to have no profit; but what he submitted was that the profit which they now derived left a sufficient margin to allow ample remuneration to both the grower and the importer, and at the same time to leave a considerable balance that might be brought into the Exchequer of this country; and his belief was that the Government and the House would neglect the interests of the country if they did not take advantage of the circumstance to increase their revenue. They ought not to forget the distress which prevailed in this country, and which could not be relieved in consequence of the low state of the Exchequer. When the hop growers went with his noble Colleague to ask for relief, they were told that the state of the revenue could not allow it to be given. When this subject was understood by the country, he was satisfied that the Government would not be allowed to persevere in their present policy. What were their objections to this most obvious mode of mending their financial condition? Their first objection was, that it was a tax on food. That was, no doubt a popular cry, but it was easy to detect its fallacy. They did not hesitate to put a tax on tea, on sugar, on coffee, on malt, all of which were equally articles of food. But the question was this, was not the present arrangement a tax on the English people for the benefit of the foreigner? It did not infringe in any way on the principles of free trade; for they all admitted that taxes laid on for the purposes of revenue did not interfere with those principles, and they had no other means of supplying the revenue except by laying on such taxes. Now, if he had made his statement sufficiently clear, he thought he had shown that the proposition which he submitted of a moderate fixed duty would not have the effect of preventing the importation of corn—that it would not interfere with the principles of free trade—and that its only effect would be to place in the Exchequer a portion of the profits that now went exclusively to the foreigner. Another objection put forward by hon. Gentlemen opposite on all occasions when a proposition interfered in any way with their views was, that such things were to be regarded as the small end of the wedge, and that its admission should therefore be resisted, lest it might lead to the re-establishment of the corn laws, and of protection. He admitted there would be some weight in this objection, if he did not discriminate between putting on a duty for the purpose of revenue, and putting on a duty with a view to limit the importation of corn, and thereby to raise the price of it to the consumer. If statesmen could not stop between these two distinct propositions, the affairs of this country must be badly managed indeed. He had not mixed up the subject with the great question of protection. The measure which he advocated would afford no protection to the home grower, except in the sense which he had before stated, of deterring large importations from abroad when prices were extremely low. The measure was what it proposed to be, one for increasing the revenue alone. His object was to maintain the wisdom of taxing others when possible instead of their own countrymen; for he was not so fond of the universe in general as not to prefer his own country to foreign States. He feared, however, that their policy had latterly been such as to have the effect of injuring their foreign commerce. His belief was, that it was the duty of that Legislature to maintain English interests, and not foreign interests—that they were there for that purpose—and that if they did not act upon that policy, they did not perform the duty for which they had been selected. He strongly and earnestly recommended his suggestions to the attention not only of the Government but of this House. He was not in the position of making the proposal which he should otherwise make for the imposition of a fixed duty on foreign corn. It was not within the power of a private Member of the House to make such a proposition; and although he might have done so in an indirect way, by a declaratory resolution that it would be wise and politic to adopt that mode of increasing the public revenue, still he thought it best to state his views in the manner he had done, and to urge them as strongly as he was able to do on the attention of the Government, of the House in general, and, if he were permitted, on the country also. The opinions which he advocated appeared to him to be incontrovertible, and, if true, they would sink into the minds of the public, and create a feeling which in due time would undoubtedly end in the adoption of a measure such as he now suggested. He hoped it would be admitted that he had avoided all controversial points connected with the subject, and that he had confined himself strictly to the one point to which his Motion referred. The question was one admitted of great importance, and when Her Majesty's Ministers and the House and the country became convinced of its truth, as he had no doubt they ultimately would be, then he trusted that such a result would follow as would lead him to feel that the attention which he had devoted to it had not been in vain.

The CHANCELLOR OF THE EXCHEQUER said, he was sure the House would concur with him in paying the right hon. Gentleman the tribute of admitting that he had stated his proposition in the clearest and fairest manner, avoiding all those topics that might give rise to angry discussion; and in this respect it was to be hoped that hon. Gentlemen who might follow him would imitate his example. He wished, in the first place, to allude briefly to the notice which the right hon. Gentleman had taken of his statement of the probable income of the year. He thought the right hon. Gentleman was a little mistaken in his view respecting that statement. He understood the right hon. Gentleman to say, that the customs duties had fallen off as compared with last year; whereas the receipt from customs, excluding corn, for the year ending 5th April, 1849, exceeded the receipt for the previous year. He hoped that the news which they had just heard of the probable raising of the blockade in the northern ports, would tend to promote the activity of trade in the manufacturing districts, and would thus contribute to improve the revenue. With regard to the apparent falling-off in the excise duties, he had only to repeat what he had said before, that it was a postponement, and not a failure, of receipt. He had thought it advisable to postpone the receipt of the hop duty, amounting to about 190,000*l.* from May to Autumn; and, owing to the lateness of the malting season this year as compared with last, the receipt of about 200,000*l.* of malt duty became due so much later this year as not to have come into the accounts of last quarter. The account of the charge of the excise duties, with the exception of Ireland, was most satisfactory. He would repeat that, judging from the experience, not of last year only, but of former years also, which was a safer criterion to take, he felt confident that the revenue from all sources would not fall short of the amount which he had stated to the House some weeks ago. He quite agreed with the right hon. Gentleman that it would be very desirable that he should have another million in the Exchequer; but he did not think that, in order to effect that object, it would be desirable to impose any further taxes at the present moment, still less the tax upon corn, which the right hon. Gentleman recommended. He had so frequently and so recently stated his reasons against the imposition of a duty on corn, that he would not now repeat them. He must, however, congratulate the right hon. Gentleman and the country on the opinion, expressed by him this evening, against the imposition of any duty which would have the effect of enhancing the price of corn. Occupying the prominent position which the right hon. Gentleman did amongst his own party, and entitled as he was to the greatest deference from them, on commercial and financial matters, from his experience and intimate acquaintance with such subjects, it was most gratifying to him (the Chancellor of the Exchequer) to hear him disclaim—and it was impossible to do so in stronger terms—all idea of reverting to a protecting duty on corn. He had based his proposition this evening on the ground that the imposition of a duty would not enhance the price of corn, and expressed his conviction that the good sense and intelligence of the country would speedily arrive at the same conclusion. He (the Chancellor of the Exchequer) was opposed to any duty on corn, but he was quite content to leave the question in the position in which the right hon. Gentleman had placed it. He was quite willing that the duty should be imposed when the good sense and intelligence of the country were convinced that the price of corn would not be raised by a duty on its importation; and he felt, on the other hand, the most perfect confidence that it never would be imposed until they had arrived at this conclusion. The right hon. Gentleman's arguments, however, were not very consistent, and one of those was a complete answer to his main proposition. He deprecated, very strongly, conclusions from pure theory without experience; but he (the Chancellor of the Exchequer) must object as strongly to that experience which was drawn from a very limited number of facts. The conclusions of the right hon. Gentleman were drawn only from last year's experience, in which year no doubt the price of corn fell after the duty revived; but other circumstances had operated in that year which he had not taken into account. The importations of 1847 were notoriously very large; the harvest of 1847 was remarkably abundant; and these circumstances depressed the prices in the spring of 1848. They rose again towards autumn, and were subsequently brought down by the inferior character of the harvest of last year. These circumstances, entirely omitted by the right hon. Gentleman, must nevertheless have produced a material effect during that period. The right hon. Gentleman adduced as conclusive proof of his position, that a moderate fixed duty on the importation of corn would be paid by the foreigner, the circumstance that, on the duty reviving in 1848, the price of wheat at Dantzic fell;

and he stated that, in the same manner, the price of wheat in the United States had fallen when the charge for freight happened to rise. Both of these things might probably have happened, but they afforded no proof of the correctness of the right hon. Gentleman's position. The price of corn at any one time, as that of any other article, was regulated by the relative supply and demand; and the state of the supply at the time when those circumstances occurred, there being no greater demand in England, might be such as to render it worth while for the holders of corn at Dantzic and the United States to take a lower price for it at those periods. The right hon. Gentleman could not, however, infer from this anything as to the price at which corn would be permanently supplied. He must know, as everybody in the House did, that this must be determined by the cost of producing it. The cost at which foreign corn could be sold in this country depended upon the cost of production in the country where it was grown, and of the freight to our ports. It never could be permanently sold for a price which would not cover these two items. Any additional charge upon it must enhance the price, and a duty on importation would be an additional charge, just as much as an increased charge for freight. Nobody can doubt the truth of this; and indeed it is perfectly evident, from an admission made by the right hon. Gentleman himself. He stated that if prices were low here, a duty on corn would deter importation. Now, how would this be done? This effect could only be produced in consequence of the duty so imposed raising the charges on the imported corn so much that it could no longer be sold, except at a loss, for the price which other corn, of the same quality, brought in the market. This would deter the foreign grower from sending his corn here, and this was the only mode in which the imposition of a duty could prevent importation. The statement of the right hon. Gentleman, therefore, was conclusive in favour of the argument that a duty on corn must necessarily enhance its price. He would not follow the right hon. Gentleman through his various statements, in which he had so mixed up facts and speculation, that it was not very easy to distinguish one from the other; and he was unwilling to detain the House on what appeared only in a theoretical shape. If the right hon. Gentleman thought that he could satisfy the people of this country that, as a practical queston, the imposition of a duty on the importation of corn would not raise its price, he (the Chancellor of the Exchequer) wished him joy of the task he was about to undertake. For himself, being convinced that the proposition submitted to the House was inexpedient, impolitic, and, he had almost said, unjust, he could not hesitate to refuse his assent to it. But he willingly left the question to be decided by the good sense and intelligence of the country, as the right hon. Gentleman proposed. Until, however, the majority of the people were satisfied that a tax upon corn would not enhance the price to the consumer, he must oppose the suggestion which was submitted to the House for the imposition of such a duty.

Mr. G. SANDARS said: Mr. Speaker, I feel called upon to offer a few observations on the question now before the House, having incidentally alluded to it on a former occasion, and having been referred to by the right hon. Gentleman the Member for Stamford, who has so ably and temperately explained his views to the House, that those who differ with him must admit the fairness, clearness, and moderation with which he has introduced the subject. The right hon. Gentleman the Chancellor of the Exchequer, in his reply to my right hon. Friend, has treated the question with much flippancy. He looks upon it as a subject of so little importance as to be beneath his notice to attempt to controvert the facts so ably laid down by the right hon. Gentleman below me. The Chancellor of the Exchequer might be overflowing with wealth, as he treats a plan to increase his "ways and means" some millions per annum with perfect indifference, if not with unbecoming levity. As much has been said in favour of practical views contrasted with theoretical, and having had some twenty-five years' experience of the corn trade, and having been a large importer of foreign grain the greater part of that period, having watched narrowly the effects of that import on the prices of grain of home growth, I feel myself qualified to offer an opinion upon this question of a practical nature. I have no hesitation in declaring it as my firm conviction, founded on my past experience, that a moderate import duty on wheat would not in usual seasons advance the price to the consumer in this country. But, to fortify my opinions upon this point, I have, since I last named it to the House, taken some pains to ascertain the opinions of practical men. I wrote to a friend in Liverpool to ascertain the views held there by gentlemen largely engaged in the corn trade. I hold in my hand his letter in reply. He gives me the names of twenty of the leading merchants in the Corn Exchange of Liverpool; out of these twenty, thirteen agree with me that a moderate fixed duty would be paid by the producer, five that it would enhance the price to the consumer, and two that it would depend on supply and demand, and would be partly borne by the foreign producer, and partly by the consumer. Thus, as far as the practical men of Liverpool are concerned, I have a majority of thirteen to five, which in this House would be considered a very satisfactory one. I next proceeded personally to wait upon the leading merchants in Mark-lane. I inquired from some fifteen to twenty of them their views, and, to my satisfaction, with only one exception (and he a Member of this House), all agreed with me in opinion that a fixed duty of 5*s.* per quarter on wheat, and other grain in proportion, would be borne by the foreign producer, and would not enhance the prices to the consumer in this country. These are the opinions of practical men, and which I believe the House will value more highly than the theoretical opinions of hon. Gentlemen opposite. I wish to impress upon the House that a duty on corn is not regulated by the same principles and rules that a duty on other imports is, such as tea, coffee, sugar, or even timber; the great bulk of our consumption is grown in this country. It is estimated that our consumption of wheat annually is 20,000,000 of quarters, and of other grain at least 30,000,000—say a grand total of upwards of 50,000,000 of quarters of grain. Now, what has been our annual import previous to the Irish famine of 1846? I will take the ten years previous imports, and I find it—

Wheat, qrs. . . .	15,000,000
Barley ,, ...	3,200,000
Oats ,, ...	2,800,000
Total . . .	21,000,000

or an average of 2,100,000 quarters per annum, which is some 4 per cent on our consumption of all grain, or some 7 per cent on wheat alone. Is it then probable that this small comparative import governs the price of home-grown corn? I have already on a previous occasion alluded to the fact that in March last year, when a duty of 7*s.* per quarter was suddenly reimposed on the importation of wheat, the price did not advance here, but it declined abroad fully as much as the duty, and the importer was as well off after paying this duty as he was before when he had no duty to pay. But, it is said by the Chancellor of the Exchequer, this is an isolated case, and that inductions drawn from a limited number of facts were as erroneous as pure theory. I deny that it is an isolated fact. On the contrary, it is the usual course of the trade. Scores of similar instances may be adduced; and I may say from my own knowledge and experience of the workings of the foreign corn trade, that it is the rule and not the exception, that as the duty advances here, the price declines abroad, and as it declines here, the price advances there; or, in the language of an old and experienced member of the trade, "Prices in all the foreign markets are ruled by the prices current in the English, or the highest, market, less the charges and duty. This is as true and general a law as that water will rise to its own level." I, therefore, come to the conclusion that a moderate fixed duty would not enhance the price of corn to the consumer in this country, but that it would in usual seasons come out of the pockets of the foreign producer or exporter. I say in usual seasons, for I admit there may be times and seasons when it would have a contrary effect—namely, when prices of wheat came so low here as to prohibit importation, and thus limit the supply, for prices of corn are governed more than any other article by supply and demand, and what checks the supply will necessarily tend to advance the price. But to show to the House at what a low rate we may expect to meet with foreign competition, I hold in my hand a Parliamentary return of June 29th, 1849, No. 439, moved for by myself, which shows the following results:—In 1843 we had thirty-eight weeks when the duty was 20*s.*; in 1844, twenty-three weeks at 20*s.*; and in 1845 there were thirty-one weeks when the duty was 20*s.*, and in these three years the importation of corn was above six millions of quarters. Now, this was under the Act of 1842, which gave us a maximum duty of 20*s.* a quarter, when the price was below 50*s.* per quarter; but the price was for a considerable period as low as 45*s.* per quarter, yet a 20*s.* per quarter duty was paid, leaving the foreigner a net return of some 20*s.* per quarter. I tell hon.

Gentlemen few of them have any idea what prices will come to when we have a succession of good harvests here and abroad. I stated in my place last year that I believed we should see prices down to 35*s.* to 40*s.* per quarter, so soon as we had good harvests, and I see no reason to change my opinions upon more mature deliberation and reflection. But to return to my subject. I was saying when prices here came very low, the duty would act as a protection to the home grower by checking imports, for if the foreigner could not meet our prices (after paying charges and duty), he would not naturally sell it at a loss. Thus by limiting imports, prices might be prevented declining so low as they otherwise might have done: it might possibly in some years prevent prices declining from 40*s.* to 35*s.*, or in years of great abundance from 35*s.* to 30*s.* per quarter. But, I ask, would any man, be he high or low, be he free-trader or protectionist, object to a duty of 5*s.* per quarter on wheat, bringing in upwards of one million per annum to the revenue, when it enhanced the price some 4*s.* to 5*s.* per quarter only in years of great abundance and cheapness? And what would this increase at those occasional periods amount to? Why, 5*s.* per quarter is one halfpenny on the quartern loaf; and supposing a family to consume six or eight loaves per week, that would be an increase of 3*d.* to 4*d.* per week for a poor man's family. I ask, what is that in comparison to the reduced wages he must expect from a low and unnaturally depressed price of corn?—why, it is as 3*d.* to 2*s.* I have given my own opinion on the question introduced by my right hon. Friend the Member for Stamford—I have also given the opinion of practical men in the corn trade in London and Liverpool, and if I am not wearying the House—[*Cries of* "Go on!"]—I will read an extract from the work of one who used to be no mean authority amongst the free-traders, and quoted by Gentlemen opposite. It is from a treatise on taxation, by Mr. M'Culloch, published in 1845. He says—

> "It has been objected to a fixed duty on corn that it could not be collected in years when there was any unusual deficiency in our harvests, the price of corn even without any duty being then oppressively high; but though it may seem paradoxical, it is entirely true that prices in such years would not be influenced by the payment of a moderate duty, and that they would be quite as high were it repealed or suspended as it would be were it allowed to exert its full influence. The moment, however, it is ascertained that any serious deficiency has taken place in our harvest, the price of corn rises probably to 70*s.* or 80*s.* per quarter, and upwards. But when such is the case, the duty ceases to have any perceptible influence over the price, which is then wholly determined by the proportion between supply and demand without reference to the cost of the corn. Under such circumstances the duty becomes in fact a deduction from the profits of the foreigner, so that its suspension would only add to the latter without depressing prices. Every one engaged in the corn trade knows that when prices are 65*s.*, 75*s.*, or 85*s.* per quarter, the fact of there being a duty of 5*s.* or 6*s.* on importation would have no perceptible influence over the quantities imported. The circle whence corn is brought in years of scarcity is too vast, and its margin too ill defined, to be either sensibly expanded or circumscribed by adding 5*s.* or 6*s.* to, or deducting the same sum from, our prices."

I must say, Sir, I quite agree with the views thus so ably expressed by Mr. M'Culloch. I am satisfied if it be desirable to increase our taxation, no tax would be less felt than a moderate tax on corn. It would bring in annually a large fund to the revenue, without in usual years enhancing the price to the consumer. The truth is that this is the great market that foreigners have to look to for the sale of their surplus produce. And would it not, I ask, be preferable to have such a duty, and take it off tea, soap, sugar, coffee, or some other necessary of life to the poor man? I am not advocating a return of protection, nor an immediate imposition of a fixed duty. I wish to give the free-trade policy, particularly in corn, a fair trial. It is one thing to retain a duty, but quite another to reimpose it when once abandoned; but there may come a time when it may be desirable to impose a moderate duty on the importation of grain. Why, the noble Lord at the head of the Government himself admitted this the other evening. He said, "however true were the principles of free trade, circumstances might justify a moderate fixed duty upon that article." I agree with the noble Lord, that though this may not be the proper time to impose such a duty, the time may come when it will be both necessary and expedient, and when I can refer with satisfaction to the opinions I have expressed this day as founded on facts and practical truth. Before I sit down, I wish to call the attention of the Chancellor of the Exchequer to the great importance of a system of agricultural statistics. It is a disgrace to us as a great mercantile nation to have no means of ascertaining what is our production and what is our consumption of corn. This is not the case in France or in America. They know pretty nearly their position; but with us it is all guesswork, and in such an important article as the food of the people, I contend we ought to have some plan of agricultural statistics, so as to be able to arrive at some approximation of the truth. I have again and again impressed this upon the right hon. Gentleman the President of the Board of Trade; but the answer I receive is, "I admit its importance, but the Chancellor of the Exchequer won't find me the money." I have myself laid before the Board of Trade a plan to effect this object, which would not cost the country more than 10,000*l.* to 12,000*l.* per annum; and yet the Government spend enormous sums, as this House decided by its vote last night, in "needless places," "extravagant salaries," and "unnecessary works and establishments." Then, surely, the right hon. Baronet might for such an object spare the small comparative sum of a few thousands per annum. I observe the hon. Gentleman the Member for the West Riding is anxious to address the House; he will tell us that his object is that England should buy her corn at "the world's price," and he says that I have admitted to him that if Holland and England both wanted corn, and we imposed a duty of 5*s.*, and Holland none, that we eat our wheat at 5*s.* more than the Dutch. True; but he forgets to tell you that Holland has a protective duty of, I believe, some 9*s.* per quarter on the introduction of foreign corn. So has France, so has America, and, in fact, almost every great country has a duty on the importation of corn. I beg to apologise to the House for the length of time I have trespassed upon them, and to thank them for the attention they have given me.

MR. MITCHELL said, that he considered that the opinion of merchants in Liverpool, London, and other places, on this question, was a most fallacious test, inasmuch as the trade was a gambling one, and tended to concentrate the business within a few towns. As to the doctrine laid down by the hon. Member, that a fixed duty would not be paid by the consumer, he never heard anything so monstrous in his life. Such may be possible in a case where another country may have a surplus over from the previous year, and England may be the only purchaser. Such a case, however, could not occur. Let the House recollect that a 5*s.* duty did not mean a revenue of 1,500,000*l.* alone, as some hon. Gentlemen stated, but 10,000,000*l.* besides in the pockets of the English grower. The hon. Member opposite quoted a case where foreign corn paid a duty of 20*s.* a quarter. That was in the year 1843 or 1844, when the English corn was harvested in such a wretched condition that it could not be consumed by itself, and therefore foreign corn had to be bought to mix with it, in order that it might be fit for human food. The stock of corn in this country was now lower than ever it was known to be, and wheat was rising in price in the face of the most beautiful weather—a thing that was never experienced before. That was caused by the low stocks in hand, notwithstanding the large importations which had taken place. One cause of that was owing to the increased consumption of the country. The consumption of flour had increased one-third—that was to say, in consequence of the abolition of the corn law, the people had it in their power to consume one-third more corn. There was now a prospect of an abundant harvest, and if the farmers realised 45*s.* or 50*s.* for their corn, of which there was a prospect, they would be better off than they ever had been in any year of protection ?

MR. NEWDEGATE observed, that the Chancellor of the Exchequer had proposed to raise 2,000,000*l.* by an income tax, but he did not consider it worth while to procure 1,000,000*l.* by an import duty on corn; and, in fact, it seemed to be a matter of slight importance whether or not the duty went into the pocket of the foreigner, or remained at home. Her Majesty's Ministers had on the previous night been left in a minority on a question of taxation, and yet they were that day told that it was a matter of no importance whether they added a million to the revenue. The intention and the object of the free-trade policy was to reduce the price of corn in this country to the Continental level. The whole of their argument was this — that the price of corn would fall so low as to make the 5*s.* duty operative—that is, it must fall to something like the Continental level, 30*s.* or 35*s.* per quarter. Such then was the end and aim of the free-trade policy; and it was to be understood that if the Government were willing to sacrifice 1,000,000*l.* of the revenue, it was to attain that object. Now, a less evil might be incurred to attain a desirable end ; but here there could be no mistake as to the end ; and that end was this—that the price of corn might be reduced to the Continental level. According to the showing of the right hon. Gentleman and the hon. Gentleman opposite, there must be a price at which a 5*s.* duty would be operative, and according to their showing, that must be from 30*s.* to 35*s.* a quarter. In considering these circumstances, they ought not to overlook the fact that the agriculturists formed the largest class in England. The heads of families employed in agricultural occupations were more numerous than any other. There were as graziers and farmers alone an enormously large number of persons, as compared with those engaged in the cotton manufactures. By the census of 1841 there was a far larger number of farmers and graziers, than of adult persons employed in the cotton trade. If it was for the benefit of the cotton trade that the present system was to be maintained, then it should be understood that they were sacrificing the interests of the farmers and graziers to those of operatives in the cotton trade. The duties had been reduced of late years upon other articles, and what had been the effect? In the article of cheese, for instance, in the year prior to the reduction of the duty in 1848, there had been imported 267,400 cwt., at a duty of 11*s.* per cwt., the market price being 48*s.* and the price in bond 40*s.* In 1848, the quantity imported was 444,032 cwt., the duty being 5*s.*, the market price 55*s.*, and the price in bond 50*s.*, showing a clear rise of 7*s.* on the market price, and in the price in bond of 10*s.*, the foreigner thereby clearing 3*s.* per cwt. The duty on butter had been reduced between 1845 and 1848 from 1*l.* 1*s.* to 10*s.* per cwt., and in the latter year the market price was 96*s.*, and in bond 85*s.*; while in 1845 the market price was 85*s.*, and in bond 70*s.*, showing that while the market price had only increased 11*s.*, the price in bond had increased 15*s.*, the foreigner pocketing the advantage of the whole reduced duty. But then it was said that the farmers benefited by the increase of price. Assuredly hon. Members would not desire that it should be otherwise. He rejoiced that the right hon. Member for Stamford had brought forward the Motion in the shape in which it was presented to the House. The hon. Member for the West Riding understood the principle of agitation, and comprehended that a broad question forced itself on the attention of the public. This was the course adopted in the present instance. But this system had its limits—people grew tired of the iteration of the same proposition, and reverted to the good sense which characterised them. According to the Chancellor of the Exchequer, a million of money had been wasted in the first months of the present year for no useful purpose.

Mr. COBDEN said, that the hon. Gentleman who had just sat down paid him the compliment of calling him a skilful agitator. It was true, indeed, that to agitate at all successfully one must be in earnest, and, if with a good cause, one must succeed; but even with a bad one, he would be respected for his perseverance. Now, the fault he found with hon. Gentlemen opposite was, that they showed no earnestness in the course which they pursued. It was quite impossible to know if they were dealing with realities, they were so often called upon to deal with shams. What was the course pursued by hon. Gentlemen opposite during the present Session? A few days before the assembling of Parliament the Duke of Richmond had a meeting of farmers, in which he shadowed out to them the great efforts that were to be made to restore the principle of protection, and to prevent free trade from coming into operation. Well, the hon. Member for Buckinghamshire came down to the House, and, as the leader of the protection party and of the farmers out of doors, who thought he was about to fight their battles, he moved an Amendment to the Address, but it did not contain one word about protection, and the Amendment was never put to a division. On another occasion after that the poor farmers were brought up in great numbers to Willis's-rooms. There was a great display of party eloquence, which ended with three cheers for the hon. Member for Buckinghamshire, the leader of protection. Well, the hon. Gentleman brought forward his Motion about local taxation; but in the very beginning of his speech he said he did not mean to discuss the principles of protection. On the next occasion there was a large cavalcade to Drury-lane Theatre, and another great move was to be made in the House. The farmers' hopes were raised, the principle of free trade was to be reversed, and protection was to be re-established. The hon. Gentleman again came down to the House with another Motion, but not one word in it about protection. He talked of everything else, the foreign and domestic policy of the Government, but there absolutely was not one word about renewing the corn laws. But the Session must not end without doing something to keep up the delusion, and so the right hon. Gentleman the Member for Stamford brought on the present Motion; and what for? The general impression out of doors was that the right hon. Gentleman was asking for a fixed duty on corn. But the right hon. Gentleman made no Motion. The right hon. Gentleman made some excuses about its not being in his power to make this Motion; but he was too old and experienced a Member not to know that it was quite practicable for him, if he liked, now, before the close of the debate, to propose that at a future time it was expedient that the House resolve itself into a Committee of the whole House, for the purpose of imposing a fixed duty of 8*s.* a quarter on corn. Why did not the right hon. Gentleman take that course? It was trifling with the time of the House to make a Motion like the present, and it was a monstrous delusion on the tenant farmers. The matter before them had such little reality about it that no person seemed to regard it in the least. The appearance of empty benches opposite, and the non-attendance of protectionist Members themselves, showed that there was no reality about the thing; and that the Motion was a pure waste of the time of the House. The proposition, if any, that was before the House was, that they could levy a fixed duty on corn, without raising the price of corn in this country. When he was told that they could impose such a duty, and make the foreigner pay the tax, the first feeling that arose upon such a proposition was instructive. Even if practical, he should doubt of the justice and morality of such a proceeding. He should doubt whether the providential scheme of the world was quite moral, if it was possible for them thus to levy a tax on the antipodes, for instance, without giving them any voice in the legislation by which it was imposed. The first feeling, therefore, that arose in view of such a proposition was instructive. But what was the argument that they could do so? The hon. Member for Wakefield, who had been for twenty-five years engaged in the corn trade, but who argued from the experience of the sliding-scale, said that the foreigners would pay the tax; but if, with the jumps and starts of the sliding-scale, he had found that the price of wheat abroad sympathised with high and low duties here, that afforded no ground to estimate what the permanent effect of a fixed duty would be. But the hon. Gentleman admitted that the people of this country would pay a higher price for their corn, with a duty of 5*s.*, than those who paid no duty at all. That was the whole case. What he contended for was, that the people of this country ought to have their corn as cheaply as any other people in the world. He did not mind what the natural price of corn was—all he desired was that the people of this country should buy it at the same price as any other people. No person, in the multitude of speeches which he had made on this subject, ever heard him make use of the argument that they were going to benefit by an excessively low price of corn. That was the argument of the protectionists. What he wanted was to have corn at its natural price; and the hon. Member for Wakefield, in admitting that they could not have it with a fixed duty, had admitted the whole case. But more than that, the hon. Gentleman admitted the justice of his (Mr. Cobden's) argument in another way; for he said that if Holland did not put on a duty of 5*s.*, and we did, Holland would get its corn 5*s.* cheaper from Dantzic than we should; but then he said that England would have the advantage of the duty if Holland put on a fixed duty of 5*s.* It was admitted that Holland, if free, would get corn cheaper than this country; and that, in his opinion, was a better way of putting the question than it could possibly be put by any cornfactors, who, of course, had a greater commission if they sold wheat at 65*s.* than if they sold at 55*s.* He much preferred such a proof to the corndealers of Liverpool and Mark-lane. They, of course, were the best judges of what was best for themselves; and he had heard that if it was only made the interest of any body of men, they would set about proving that two and two make five. The hon. Gentleman opposite said, they were now in favour of a fixed duty. It seemed to him to be an extraordinary thing for any hon. Member to propose a tax of any kind to the Chancellor of the Exchequer, for their business was to prevent him from imposing taxes. He, therefore, took the hon. Gentleman to task on that ground. But the hon. Gentleman was a bad witness for the right hon. Gentleman in another respect; for when the right hon. Gentleman said that the duty might take effect at 35*s.*, the hon. Gentleman raised it a little, and said that it might take effect when the price was 40*s.* "What is a farthing in the price of the loaf?" said the hon. Gentleman. What is 4*d.* a week to the labouring man? it is only 17*s.* a year. But if the hon. Gentleman spread that farthing in the quartern loaf over 6,000,000 of families, how much would it amount to? The hon. Gentleman never calculated on getting more than about 1,000,000*l.* from his 5*s.* fixed duty; but 4*d.* a week from the 6,600,000 families of this country would produce 5,000,000*l.* But how could they pay that when the right hon. Gentleman only proposed to levy 1,000,000*l.* on foreign corn? It would be done by raising the price of the corn which was grown in this country. All the corn consumed in this country was consumed at the same price. And the same duty, therefore, would, in reality, be paid for all, whether home or foreign, because no corn could be admitted except at the price of the corn of domestic growth. If they meant to propose a tax on corn, let them do it honestly, and let it be done at the mill; because, then, with a duty of only 1*s.*, they would raise a revenue of 1,000,000*l.* And if they chose to impose a duty of 5*s.* they would raise a revenue of 5,000,000*l.* But the right hon. Gentleman said that he would not lay a feather's weight of taxation on the community by this proposition, and that the consumers would not have to pay any dearer for their bread. Well, if that be so, what became of their professions to the farmers, that they intended to raise the price of their produce? They had no petitions for a fixed duty as a matter of revenue. He had seen a petition from the West Riding, presented by the hon. Member for Buckinghamshire, praying for moderate protection to all interests, and for a moderate fixed duty on corn. They said that they would impose the fixed duty for the sake of the revenue; but then they told the farmers that it was with a view of giving them protection. This was the new dodge. No persons petitioned that House for the sake of the revenue. No person petitioned for any tax. The thing was ridiculous. But the farmers had no objection to protection, and this was the only way in which they, as a party, could bring forward the question at all; and, therefore, he expressed to his friends right and left, when he heard the right hon. Gentleman so blandly declare that he did not intend to propose one farthing extra on the price of wheat in this country, and that on this occasion he did not wish to refer to "that other question," his utter astonishment how the protectionists had power of face to behave so. One might suppose them to be actors on a stage, who whispered aside to each other, and assumed that they were not heard by the whole audience; because their language within the House was so different and so much at variance with their language out of doors, that unless they had some notion that they were invisible and unheard, they could not possibly talk in the way they did. He did not understand how any of them could talk to the farmers during the next autumn. What a question on which to get up an agitation! If the right hon. Gentleman came to him, he would give him a lesson in agitation. He absolutely pitied them for their want of tactics. The hon. Member for Buckinghamshire was the head of a great party. A great party wanted some principles. They would not have protection — they had not courage to fight that battle. The only principle they had was a bread tax. Only think of a great party going to the country and appealing for support, on the ground that there ought to be a tax of 4*d.* a week on the bread of the labouring man. The hon. Member for Warwickshire seemed to think that there would be a universal uprising of the people. He said, in rather solemn tones, that the people would soon recover their judgment in this matter, and that the day was not distant when they would see the advantage of paying 4*d.* per week more for their bread. It was no wonder that the idea of a universal uprising for such a bread tax should be glowing in his breast. Now if they took a little piece of advice from him, he would recommend them, instead of trying to get into power by contending for this miserable tax on the prime necessary of life, to set about reducing the expenditure and taxation of the country. No party could get into power without doing something popular, and they would not get into power without doing something popular. They would never bridge over the separation which existed between them and that intellect of the House which was seated by their sides, above the gangway, unless they found out some other question besides this one of protection. Let them, instead of wishing to tax the bread of the people, rather struggle for a reduction of the expenditure of the country. The hon. Member for Buckinghamshire had not shown the best tactics of a general in his last speech, for he let out a little hint, which he thought would make the country ten times more resolute than before against protection, for he said, if he (Mr. Cobden) understood him correctly, that he would never join in the cry for retrenchment, as long as the principle of protection was not admitted. He hoped the country would take that hint. The hon. Gentleman opposite had talked as though the farmers would be ruined under this system of free trade. He wondered then how they could face the farmers when they went to receive their rents. They told the farmers that they would not get 35*s.* a quarter for their corn. He wondered how they could receive the rents if they believed anything of the kind. This was how they suffered and injured themselves. They had two sides—one side for this House, and another for the farmers out of doors—one for the rent audit, and another for the hustings. Were any of the farmers ruined by free trade? There was a prospect of a good crop this year, and of high prices, and therefore he did not see any cause to grumble. It seemed that there were not large stocks on hand, which was a sign that there was prosperity amongst the labouring class, and that the manufacturing class was in a state of ease. Was it not better, instead of trying to make the farmer complain that he did not get more than 45*s.* a quarter for his corn, that they should encourage the farmer to look to the right side of the question, stimulate him to make exertions, and employ more labour? If hon. Gentleman took the right view of this question, they ought to be glad that the question had been settled at the time it had been. With the excitement abroad, and a state of great suffering in this country, how could they possibly maintain a fixed duty on corn of any kind? He looked upon it, therefore, as a chimera. He hoped they would never hear it mentioned in that House after that night, and that they would henceforth see that, whether they represented manufacturers, or whether they represented agriculturists, they had all one common interest, namely, that of securing the most efficient, the most economical, and the most prudent Government.

MR. DISRAELI said, the hon. Member for the West Riding had been so kind as to offer to give them (the Protection Members) a lesson in the art of agitation; and he (Mr. Disraeli) was willing to admit that if they wished to attain any knowledge of that pursuit, they could scarcely have recourse to a more consummate master. The hon. Member excepted to their conduct by saying that they had one language in that House, and another in other quarters. But if he remembered aright, a celebrated oration which was made by that same Gentleman in another place, he had the ingenuous frankness to admit that that was one of his own universally acknowledged characteristics. He said it was a general accusation against him that he made use of one tone of sentiment and one kind of expression in the House of Commons, and employed different language when addressing his countrymen in other places, and that he believed there was some justice in the charge. The great master of agitation, therefore, if his present allegation were true, should, instead of sneering at their tactics, accept them as proofs that they had become worthy of having such a master to lead them. The hon. Member had told them that they could not possibly succeed in having their opinions accepted by any great party in this country, because there was a want of earnestness in the manner in which they advocated them. If the accusation were true, there was a precedent for the course which they had pursued. If it were the fact that they had not boldly advanced in that House during the Session opinions which they professed in other places—which he unequivocally denied—he wanted to know whether there were not other politicians who, after declaring that they were ready to propound certain measures as absolutely necessary for the interests of the country, the moment Parliament met were as calm, as quiet, and as docile as if they were prepared to sit behind the Treasury bench for the rest of their career? He wanted to know what those Gentlemen who called banquets in the north of England, and wrote letters which were State papers to financial societies of Liverpool, had done during these six dreary months to vindicate their opinions and to maintain that policy, the prosecution of which was considered necessary for the salvation of the country? Why, less troublesome opponents to a Government, less ardent, or less earnest advocates of a political theory, he had never met with. It was with the greatest possible hesitation that the other night, on a very tender Motion for financial reform, the hon. Gentleman the Member for the West Riding went into the same lobby as his hon. Friend the Member for Oxfordshire. Even the very partial and limited scheme of a reduction of 10 per cent on salaries frightened the great Apostle who had come forward to regenerate the country by an immediate reduction of its expenditure, amounting to not less than 10,000,000*l.* The practical agitator and the great tactician, the man who, having a great knowledge of human nature, never agitated but with that consummate art which ensured success, who never frittered away his resources, and who came forward with a scheme which was immediately to touch the national heart and obtain general support, vanquish a Ministry and conciliate a Parliament, talked of shams and dodges! Alas! that they should have arrived at a period when, in the House of Commons, still held to be a classical temple of our language, they should have to listen to such words as "shams" and "dodges." But, talking of shams and dodges, he wanted to know what could be found in the history of political agitation in this country more ostentatious in the commencement, more violent in assurance, more lame and impotent in the achievement—what more lacking in earnestness, enthusiasm, and fervour, than financial reform? But then the hon. Gentleman fell back upon political economy; and, travelling out of the record for the evening's discussion, as it was drawn by his right hon. Friend the Member for Stamford, and seizing upon a haphazard, almost an episodical observation of the hon. Member for Wakefield, he said, "What, are you prepared to levy a bread tax amounting to 5,000,000*l.* upon the people? Is it possible that you can come forward at the present day with such a monstrous proposition?" Why, after all, supposing the people had to pay 5,000,000*l.* a year as a tax upon their bread, what was that after obtaining the enjoyment of all these new foreign markets—after the great expansion of commerce which they had realised by the repeal of the corn laws? What was 5,000,000*l.* per annum to a nation whose domestic expenditure, we are told, has been reduced to the extent of 2,000,000*l.* per week? It was very well to come forward professing factitious sympathy for the people, after they had lived to feel, during three years, all the bitterness of disappointment, as the result of believing in those who prided themselves on being adroit political tacticians, and successful political agitators. The hon. Gentleman said that he (Mr. Disraeli) and his Friends near him, were insincere in their professions out of doors. He denied the charge; but even if it were true, were they the only culprits? Why, he saw before him a Gentleman who, in giving a programme of the party of which he was a most efficient Member, promised to reduce the Church Establishment, and offered a catalogue of political and ecclesiastical changes which he intimated to his audience he was going up to Westminster to effect; but they had since heard nothing of them. He denied that the protectionist party had on any occasion, and particularly on the occasion to which the hon. Gentleman the Member for the West Riding had referred, done anything inconsistent with the general tenour of their opinions. What was the Amendment to the Address? They were called upon to declare that the country was in a highly prosperous state. In mild and moderate language they protested against any such declaration; and hon. Gentlemen opposite, if sincere and earnest in their representations to the people, ought to have supported the Amendment. Well, then, the hon. Gentleman said that out of doors they had told the farmers that nothing but a recurrence to the system of protection could redeem their fortunes, and yet, in the teeth of that declaration, had brought forward a Motion for an inquiry into the burdens upon real property. What inconsistency was there between the dogma out of doors, and the Motion in that House? A considerable time had now elapsed since the Motion was proposed, and so far as he could observe the signs of public opinion, he saw no cause to regret the course which he had pursued, embalmed as it was in a resolution which he believed that House would in substance ultimately adopt. Well, then, the hon. Gentleman said that with equal inconsistency, they (the protectionist party) brought forward a Motion with reference to the state of the nation. They did so; and considering before whom they sat—remembering that Ireland was never mentioned without five-and-twenty Gentlemen getting up and almost threatening to impeach the Ministry—remembering that an equal number were equally prompt to rise and tell the Government that unless financial reform were conceded, they must instantly withdraw their support—remembering that another section strongly disapproved of the administration of Foreign Affairs; and considering that it was universally admitted that there was a great and increasing amount of agricultural distress—he wanted to know what proposition was ever made, at any period in the history of this country, which was more defensible than that in question, calling upon the House to inquire into the state of this nation. And though the attempt was made to ride off on the limited and partial issue which the hon. and learned Member for Sheffield had the courage and the prescience to avoid, let it be remembered that hon. Members opposite thereby voted confidence in the Government, whom on the previous night they were all ready to put in a minority. Consistent politicians!—adroit tacticians! successful agitators! The hon. Member for the West Riding—a great doctor in the political art, a Gamaliel at whose feet they were all to sit—speaking of him (Mr. Disraeli) as in a position which he really had never had the ambition to occupy, and pretended not to occupy—speaking of himself and his friends, he said, "You'll never get on with all this want of earnestness and sincerity; I'll give you some good advice: you must have a principle. You have a great principle, but you shrink from avowing it—that principle is protection." Yet within ten minutes afterwards the hon. Gentleman said, "You'll never succeed; you'll never catch the floating intellect of the country until you get rid of the nonsense, the rubbish of protection." Such was the inconsistent language of the adroit politician who offered to give them (the protectionists) lessons. Why he (Mr. Disraeli) would be ashamed to meet a mob at the hustings with such rhetoric, to say nothing of the House of Commons, still a classical assembly, though addressed in such language as "shams" and "dodges." He would now consider the question more immediately before the House. Throughout the discussion he had observed that the line taken by hon. Gentlemen opposite was that of an attempt made in a crude and clumsy manner, to convert the subject into what was termed a corn-law debate. How was this question introduced? His right hon. Friend the Member for Stamford examined the quarter's revenue on the eve of the prorogation of Parliament, and after a severe analysis his impression was that the revenue of this country was in a highly unsatisfactory state, and that it was necessary to replenish the coffers of Her Majesty. Purely on fiscal principles he suggested that a tax should be levied on the importation of foreign corn. He admitted that if it could be shown that the consumer would be taxed by its adoption, the whole proposition fell to the ground. He had never heard an argument put more temperately, more calmly, with more severity of logic, with more concinnity of expression. It was a masterly argument—the exposition ample, but not too long. Well, how was his right hon. Friend met? The first person who replied to him was the Chancellor of the Exchequer, and considering that the right hon. Gentleman had a good deal to go through, and recollecting also the length at which he had recently addressed the House, he did not wish to criticise his reply. He was willing to pass it by, for he confessed he did not see a single point that called for the slightest remark. The right hon. Gentleman shuffled off the question. He made a few vague and desultory observations, and then appeared as if conscious that he had done his work for the Session. He admitted that no man did his work more readily or more cleanly; but it was not to be expected that at the end of July he should answer satisfactorily the full, elaborate, and, he believed, still unmet argument of his right hon. Friend. Well, then, what followed? There was a scuffle between two Gentlemen of rival experience in the corn laws. It was proverbial that doctors seldom agreed, and they might safely leave the question raised to be decided in Mark-lane or the Liverpool corn market. To come now, or rather to recur, to his ancient antagonist, the Member for the West Riding. He would ask whether that hon. Gentleman had grappled with the facts. He (Mr. Disraeli) thought not. His right hon. Friend had stated, not as matter of theory, but as matter of fact, that in the commencement of February this year the duty was taken off the importation of foreign corn, and that the price was not affected by that circumstance. On that point, indeed, the Chancellor of the Exchequer pleaded the stereotyped explanation, "exceptional circumstances." Exceptional circumstances! Why, had not the experiment been tried on a large scale, and had it not been spread over a long period? Had not millions and millions of quarters of corn been sent here from every country, and from every clime, during a period of a year and a half? Was not the result as certain as science? And what had occurred? He would not say that that which they had predicted had come to pass—for he agreed with his right hon. Friend that it was on this occasion best not to recur to former controversies — but it had been practically demonstrated, that up to a certain point it was in the power of the Legislature of this country to make the taxes be paid by the foreigner, and not by Englishmen. When he was asked whether they (the protectionists) would go to the country and ask the people to pay 4*d*. a week more for their bread, he would reply with the statement he had just made, and abide the decision of his countrymen with perfect contentment. That was his reply to the agitator who wanted to give them lessons. He would tell him that he would have nothing to do with his stale tactics. He might go back to his banquets where the meats were cold; he might go back to programmes which were never followed up in that House. [Mr. COBDEN: I divided the House.] Instead of following the hon. Member's example, he would fight him with his own weapons, and with those weapons he would beat him. The hon. Gentleman had not attempted to grapple with his right hon. Friend's facts. His right hon. Friend had first adduced certain phenomena, and then a theory in explanation, showing that there was a margin within which they might tax the foreigner, without interfering with supply. Placing a scientific argument before the House, he was met with—to use the Member for the West Riding's phrase—rubbish. He suggested a measure for the relief of the people of England; for anything which filled the Exchequer without imposing new contributions on the subject, was eminently a measure of relief to the people of this country. Who would say that, under the circumstances, with an exhausted exchequer, with the sanction of practical men, and considering also his own public position, his right hon. Friend was not justified in making the suggestion that he had done? Who would attempt to justify the tone in which the proposition had been received; the arguments, as only by courtesy they could be called, with which it had been met by the adroitest agitators, connected as it was not only with fiscal considerations, but also with national feelings of the most interesting character? Nothing could be more gratifying to the people of this country than to be able to replenish their exchequer at the cost of the foreigner. The proposition was, to reduce the surplus profits of the foreigner, and that was the light in which the people of England would view it. The question was, whether, under any circumstances, corn should be an exception to the category of imports, and whether, under the circumstances stated, the arrangement proposed would not be a remunerative one? Do what they might, so long as there were hostile tariffs the adjustment of taxation must be an affair for statesmen to manage. They could not, by abstract resolutions, divest themselves of their responsibilities, or shift their burdens. His own opinion was, that the suggestion which had been made that night was a politic suggestion, and would soon be a popular one. Its adoption might be mortifying to the vanity of individuals in that House; it might hurt and offend the self-love even of political parties. He deeply regretted that circumstances should have precipitated such a proposition; but considering that there was not even an imaginary balance in the exchequer, they (the Protectionist Members) were bound to leave on record —and the best record in the world was a free discussion in that House—their opinions on the present state of the exchequer, and the best means of replenishing it. They had done that with sincerity. They would pursue their own course. Notwithstanding the taunts so often repeated by hon. Gentlemen opposite, they would maintain their own opinions. They were not prepared to take lessons either from the hon. Gentleman opposite, or from that floating talent above the gangway to which they were advised to recur; but they would, under all circumstances, maintain the opinions which they had maintained, trusting to the confidence and support of the people of England.

MR. BERNAL OSBORNE said, that he did not rise to question the policy or the popularity of the suggestion of the right hon. Gentleman the Member for Stamford. He believed the House would acknowledge, whatever their abstract principles might be upon the subject, that the right hon. Gentleman had very ably argued the question. Although no question had been submitted to the House, it had been neither a useless nor an uninteresting discussion. But when the hon. Member for Buckinghamshire charged the Chancellor of the Exchequer with having evaded the question, he begged to remind the hon. Gentleman that there was no question before the House. But he (Mr.

Osborne) considered the debate now to have come to an end; and as he should not have another opportunity of drawing attention to a subject which he deemed of equal importance to this "will-o'-th'-wisp" corn duty held out to-night, he begged, in accordance with the question he put the other day to the noble Lord at the head of the Treasury, respecting the fact of Russian troops having entered Transylvania. He intended to conclude with a definite Motion on the subject.

Mr. COBDEN rose to order. He put it to the hon. and gallant Gentleman whether the present was a suitable time for entering upon so important a question.

Mr. BERNAL OSBORNE said, he was in the hands of the House, and would take whatever course they might think best. He would, therefore, postpone his observations for the present.

Mr. BRIGHT said, that during the discussion that evening, several reasons had been assigned as those which had probably induced the right hon. Gentleman the Member for Stamford to bring the subject before the House; and, as he believed that all those reasons had been repudiated, either by the right hon. Gentleman himself or by his friends, he had been endeavouring to discover what could have made the right hon. Gentleman—without wishing, as he said, to bring back protection, or to lay any burden on the people of this country—so anxious to invite the Chancellor of the Exchequer to increase the taxation which the people were now called upon to pay. He had recollected that the right hon. Gentleman was, some twenty years ago, Chancellor of the Exchequer himself—and that there had of late been a report that he might possibly become Chancellor of the Exchequer again—that old habits, and, perhaps, hopes recently revived, might have led him to try his hand at a matter of finance and taxation, although he had not been regularly called in and asked to prescribe. Now he (Mr. Bright) was not disposed to shirk the consideration of the question which the right hon. Gentleman had placed before them. The hon. Member for Buckinghamshire said that they had not met the question, whether this small fixed duty would be a burden on the people of this country, and whether foreigners could be induced to pay it. He should put the question in a very simple form, but he thought a very conclusive one. Let it be observed that we drew our supplies of corn from all parts of the world under free trade. We brought supplies from the nearest European ports—we brought some from Spain, some from various parts of the Mediterranean, a large quantity from the Black Sea, a large quantity from the United States of America, some even occasionally from India, and he believed some had come from our Australian colonies. He asked the right hon. Gentleman, whether a duty even as small as that which he was reported to recommend, would not, to some extent, circumscribe the surface from which our supplies would be drawn, at any given rate of price in this country, and whether at a certain price we might not bring corn from China and India, and at a certain other price from the Black Sea, and at another price from the United States, and at a certain other price from the Baltic and near ports. The tax which the right hon. Gentleman would impose, would necessarily reduce the limit and make the circle less. It would, therefore, diminish the sources from which we should be supplied, and of necessity it would diminish the supply; and if competition had anything to do in regulating price, or if supply had anything to do with regard to price, it must of necessity follow, that the price of grain to some extent would be raised in this country; and he knew no reason whatever, and no proof was offered, that it would not be raised equal to the amount of duty which the right hon. Gentleman proposed to levy. The hon. Member for Wakefield referred to 1847, and said that if we had a duty then, the price of corn would have been no higher in this country. That might have been true if we had been the only nation buying corn; but as all other nations were buying it at the same time, as a matter of course, if they had no duty, and we had a duty, the price of corn must have been higher to us than to those nations. France suspended her duties at the same time that we did; but if she suspended the corn duties, and we levied a duty, we must have purchased to a disadvantage compared with France, to the whole amount of duty which we levied, and which she did not levy. He now came to the hon. Member for Buckinghamshire. As to the question of economy, he asked the hon. Member for Buckinghamshire, whether this was not the fact, that during this Session every Motion for economy, with the exception of one or two within the last fortnight, had been opposed by those hon. Members who formed his support in this House; and when they went to the country, he hoped they would learn from the farmers, that their conduct in this Session on that point had been watched, and that the farmers were aware that if as many Members on that side of the House had been in favour of economy as on this side, the Government could not have resisted the propositions which had been made in favour of a great reduction of the expenditure. He thought that hon. Gentlemen opposite should learn not to place much trust in protectionist leaders. The right hon. Gentleman the Member for Tamworth was a great protectionist leader at one time; he was not so now. Lord Stanley was a great protectionist leader now; but it was not long since he was in favour of a Bill called the Grinding in Bond Bill, which was opposed by hon. Gentlemen opposite as a free-trade measure. He also supported, if he (Mr. Bright) was not mistaken, the Bill for allowing corn to come from Canada, which was called a destructive measure by hon. Gentlemen opposite. Lord Stanley had changed his opinion; he was a free-trader once; he was a protectionist now; he might be a free-trader next Session. The hon. Member for Buckinghamshire, on one occasion, declared that free trade was the great policy of the old Tory party; at least he (Mr. Bright) had a recollection of some such expression as that coming from his lips. The hon. Gentleman now, although he sat at the head of the protectionist party in this House, repudiated protection almost in express terms; and he had a very sanguine hope that, after this Session, the hon. Gentleman would never again stand up at that table and advocate a principle which he must see to be hopeless, if he did not already believe it to be unsound. His hon. Friend the Member for the West Riding had been taken to task because he gave hon. Gentlemen opposite some advice. He thought it very important that all Members in the House should, when they spoke, at any rate speak only in favour of sound principle and sound doctrine, because a large portion of the people of this country were much influenced by what they read of what was said in this House. He was anxious that hon. Gentlemen on both sides should preach in this House and to the country the true doctrines of political economy, because he believed them to be as essential to the permanence of property as to the honest and fair remuneration of industry; and let it be borne in mind that, before long, the power now ruling this country would be changed. Instead of the power being altogether, or almost all, in the hands of the proprietary class, it would be transferred, to a large extent, to a far more numerous class in the country; and it was of the utmost importance that as democratical principles extended, they should be accompanied by sound economical principles, for it was only false economy, on the part of democratic governments, that could in any degree be dangerous to any valuable institutions in a country. Hon. Gentlemen had a notion that plenty was no great advantage; that cheapness and abundance were a bad state of things. They seemed to forget that half the revolutions that had taken place in all countries—that nearly all the insurrections which had arisen—sprang from the sufferings of the people, which had been caused by the scarcity of food. The hon. Member for Buckinghamshire, who often referred to history in this House, would recollect that a Roman Emperor on one occasion was hustled on the forum, because there were but fifteen days' corn in Rome; and the first French revolution, and the last revolution too, were to be attributed to a very large extent to the sufferings of the people, caused by a period of scarcity of food. He did not regret that this question had been brought on to-night; he hoped that, as they were approaching the end of the Session, they were approaching the end of discussion on this question of free trade. For himself, he was confirmed in his belief in the truth of the principles of free trade. It would be a consolation to him so long as he lived, that he had been, in the smallest degree, instrumental in causing the adoption of those principles by the people and the Government of this country; and now, whatever poverty existed in the country, he never passed a man, woman, or child, however poor, however wan, however suffering, but he felt a consolation that his voice had been raised against a system which had made them more poor, more wan, and more suffering; and he believed that, as the seasons passed over us, we should find there would be, on both sides of the House, and in every portion of the country, not only a general acquiescence in the principles of free trade, but a clinging to them so firmly that no political party would ever be able to change the policy which this House had so wisely adopted in 1846.

Mr. WODEHOUSE could not help expressing his regret that this Motion had not been brought forward in some other shape, when the sense of the House might have been taken distinctly upon it; but he hailed this proposition, *pro tanto*, as an auxiliary measure in favour of protection. The noble Lord at the head of the Government should remember that the agriculturists never accepted anything as a measure of conciliation, but they claimed what was founded on equity and right. He recalled to the recollection of the hon. Member who had just sat down, a former period of our history, when it pleased God to afflict this country with famine—he alluded to 1800. Did the hon. Gentleman the Member for the West Riding forget that half a century had passed away since there had been any famine; and to what had the people been indebted? Mainly to the cultivation of their own soil.

Mr. VILLIERS said, he rose only to point out to the attention of the House, as they possibly did not observe the important admission which had been made by the hon. Gentleman who had just spoken, because it seemed to him to be an admission that would put an end to all projects or Motions of this kind ever after. The hon. Gentleman was one of the oldest, most sincere, and most intelligent of that body, who had agitated on the subject of protection for fifty years; and if any one knew what protection was, and what would raise the price of corn, it was the hon. Gentleman. The hon. Gentleman then thought he would not have the shabbiness to look upon this Motion as more or less than a protection measure, which would have the effect of raising the price of food, and would be in some way or other a substitute for protection. He would only add one word as to what had occurred in another place with regard to a fixed duty. A noble Lord who was very much respected for his extremely high character (Lord Winchilsea) said, in addressing the House, if ever such a project as a fixed duty were proposed to this country, he trusted in God that the people of this country, as one man, would rise and resist it.

Sir W. JOLLIFFE said, that a proposition was now made most easily to replenish the Exchequer, and that proposition emanated from his right hon. Friend the Member for Stamford. It would be thankfully accepted by the Chancellor of the Exchequer; but he was forbidden to do so by his friends behind him. The hon. Member for Manchester had said, that he congratulated himself that every poor man he met would have been worse off than he was if it had not been for his measures. It was clear that hon. Member walked about Manchester, but did not walk in his (Sir W. Jolliffe's) part of the country; for he could assure him that the condition of the people was infinitely worse than it had previously been, and that there, at any rate, his congratulations would be anything but satisfactory. From what quarter should the Chancellor of the Exchequer receive advice in this House? for he looked on the matter as a mere question of advice to the Chancellor of the Exchequer. The Chancellor of the Exchequer was always assuring the protectionists that he was one of the country gentlemen, and that he sympathised with them; he took a very sanguine view of things; his labourers earned 14*s.* a week, and nothing could be more prosperous than his part of the country, except the state of the Exchequer. He thought the Chancellor of the Exchequer took his advice from the wrong quarter, and he should very much like to give the Chancellor of the Exchequer a very short piece of advice. He could not venture to give that advice if it were his own; but he should go to higher authority, and recommend him to take the advice of the class to which he himself belonged, and not altogether that of the manufacturing classes of the country. He had heard the right hon. Baronet the Member for Tamworth say that Adam Smith was more quoted than he was read; he had had some occasion to look into his works, and the perusal had only induced him to study them the more. Adam Smith said—

> "The merchants and master maufacturers are the two classes of people who commonly employ the largest capital, and who, by their wealth, draw to themselves the greatest share of the public consideration. During their whole lives they are engaged in plans and projects; they have frequently more acuteness of intellect than the greater part of country gentlemen. As their thoughts, however, are commonly exercised, rather about the interest of their own particular branch of business than about that of society, their advice, even when given with the greatest candour, which has not been the case on every occasion, is much more to be depended upon with regard to the former of these objects than with regard to the latter. Their superiority over the country gentleman is not so much in their knowledge of the public interest, as in having a better knowledge of their own interest than he has of his. It is by this superior knowledge of their own, that

> they have frequently imposed on his generosity, and persuaded him to give up both his own interest and that of the public, from a very simple and honest conviction that their interest, and not his, was the interest of the public."

He was astonished last night to hear the opinion of the First Lord of the Treasury as to the national debt: that noble Lord laid it down very broadly that nothing was to be done with the debt, and that nothing could be done but in perpetuity pay the interest. He thought that such a proposition, coming from such a high quarter, was likely to produce a most serious effect upon our monetary system. The hon. Member for Manchester had said, look at the peace and tranquillity you enjoy. If it had not been for this cheapness of food, how different it might have been. When he traced the recent distresses of foreign nations to the dearness of provisions, he (Sir W. Jolliffe) must entirely differ from him. He traced every one of these disasters to monetary and financial difficulties. In every case the revolutions had been preceded by defalcations in the Exchequer and by continually adding to the national debt. Was not the same thing going on in this country?

Mr. ROEBUCK said, at this period of the Session they might have been doing something for the benefit of the country by passing some of the many Bills now lying on the table, but they had passed the time in a discussion rather more suited to a debating club. There was no proposition before the House which the Government could deal with; there was no proposition before the House upon which any private Member could give an opinion; but they had been called upon by the right hon. Gentleman the Member for Stamford, who had grown grey in the service of the public, on the 20th July—at the time there was the greatest pressure of business—to discourse upon what, he was pleased to say, was a simple proposition respecting the finances, and the taxation which should be imposed. The right hon. Gentleman was going to bring forward a proposition, but he found his courage not equal to the task, and he shrank from his proposition by merely making a suggestion. Was there anything so valuable as precious time, and was anything so disrespectful to a rational House of Commons? What was the proposition of the right hon. Gentleman? He was an old Chancellor of the Exchequer; he had come forward with an abstract proposition, which he would not discuss, because he had respect for the House. If he had proposed it to the House, they would have discussed it. He thought the right hon. Gentleman himself would have done well to have shown those who were younger the sort of blessing which experience should have taught him of the great value of time. They had no matter before them which could be brought to a rational conclusion, and in order to raise a question before the House, he would move that the House do now adjourn.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

Mr. SPEAKER, in putting the question, observed that the House would remember that on a Motion of this nature, a Committee had recommended that the practice of the House should be adhered to, and that every Member should speak only to the question before the House.

Mr. BANKES did not rise to second the Motion for adjournment, but to speak on the question of adjournment. He would put it to the hon and learned Member, whether he thought it would promote the despatch of public business; and if he did not, he thought he might without difficulty induce him to withdraw the Motion. The only reason the hon. and learned Gentleman had given for adjournment was, that the right hon. Gentleman had grown grey in the public service—that he had been a successful Chancellor of the Exchequer—[Mr. Roebuck: I did not say successful.] Well, then, that he had been Chancellor of the Exchequer, and that he had uselessly occupied the time of the House when he made a proposition to the Chancellor of the Exchequer of the present day, which was, that finding there was a deficiency in the Exchequer at the present moment, he suggested a method of supplying it. These were the arraignments brought by the hon. and learned Member for Sheffield against the hon. and learned Member for Stamford. The whole gist of the argument was in favour of his Motion for adjournment. There had been a discussion which nobody but the hon. and learned Member for Sheffield thought misapplied. It was a suggestion which, favourably received, was a fit question for discussion before the conclusion of the present Session. The hon. and learned Member for Sheffield was known to entertain peculiar opinions, and to advocate them in a manner peculiar to himself; but he would not succeed in expediting the business of the House if he pursued this course. He hoped the House would now hear the observations of the hon. and gallant Member for Middlesex, which might as well be submitted to the House. The interposition of the hon. Member for the West Riding had not, in the slightest degree, facilitated the object of the debate.

On the suggestion of the CHANCELLOR of the EXCHEQUER,

MR. ROEBUCK withdrew his Motion for an adjournment.

Motion, by leave, withdrawn.

On the Question that Mr. Speaker do now leave the chair,

MR. BERNAL OSBORNE said, that as probably he should not have another opportunity, he would now bring forward his Motion. If they wished that he should do so To-morrow, he would do so; but he gave way on a recent occasion, not because he thought the question had been sufficiently discussed, but he felt that the question he was about to submit to the notice of the House, was so important in its nature that he did not wish to organise those Gentlemen who generally went under the designation of the Manchester school, in hostility against the Motion which he was about to bring forward. He would sooner have been silent on the question he was about to submit to the House, than he would have precluded the question by acting in opposition to any part of the House. They had had an important discussion to-night; he did not underrate the importance, but at the same time, in bringing forward the Motion which he was about to submit to the House, he would take leave to tell the House and the country at large that it was one fraught with consequences not only important to this country, but to the civilisation of Europe at large. He was perfectly willing, if the Government would prefer it, to bring on the question on the report To-morrow, at twelve; but when so many representations had appeared in the public press of this country, and so many misconceptions in the public mind, he hoped the House would bear with him. [The CHANCELLOR of the EXCHEQUER: Give notice for To-morrow.] In compliance with the suggestion of the right hon. Gentleman he would give notice, that, on bringing up the report To-morrow, he should move for any papers connected with the advance of the Russian troops into the kingdom of Hungary.

Main Question put and agreed to.

Ways and Means considered in Committee. House resumed. Resolutions to be reported To-morrow.

The House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Saturday, July 21, 1849.

MINUTES.] NEW WRIT.—For London, *v.* James Pattison, Esq. deceased.

PUBLIC BILLS.—1° Consolidated Fund; Treasury Instruments.

2° Defects in Leases Suspension.

Reported.—Royal Pavilion (Brighton).

3° Stamp, &c. Allowances; Judgments (Ireland).

PETITIONS PRESENTED. By Mr. M'Gregor, from Chelsea, for constituting Kensington and the adjoining Parishes a Parliamentary Borough; and from Merchants, Bankers, &c. for promoting Steam Communication with the Australian Colonies.—By Mr. Beresford, from Wicklow, for Agricultural Relief.—By Mr. Mullings, from Leeds, for an Alteration of the Small Debts Act Amendment Bill.

RUSSIAN INVASION OF HUNGARY.

Order for reading the Report of Ways and Means read.

Motion made, and Question proposed, "That the Report be now brought up."

MR. BERNAL OSBORNE said, if he thought there was but little interest in the country or in Europe at large, he would not for a minute interfere between the House and bringing up the report; but, as he knew that the people of this country took a strong interest in the question which he was about to submit—as he thought it was not simply an Hungarian, but an European, and, above all, an English question—he begged to interpose for a short time between the bringing up the report and the other subjects before the House. He thought he was justified in saying that great misapprehensions had been most general in this country with regard to the case of Hungary, and that they extended as well to the House; but in this respect great misconceptions existed also in the minds of some hon. Gentlemen to the real bearing of this question. It was generally supposed and said—indeed a laugh was raised in the House when he presumed to mention the free and independent kingdom of Hungary—it was generally supposed that Hungary was a province of the Austrian dominion. He repeated that the constitution of Hungary was free and independent—that it had never been at any time a province of the Austrian dominions; that as far back as 1,000, when Stephen I. succeeded to the throne of Hungary, it was an independent kingdom; and there were circumstances connected with that kingdom for which we should feel a peculiar interest; for five years after the institution of our own Parliament, Hungary had a diet of her own—Hungary had municipal institutions of her own, and, although they might not have been as perfect as we could wish, still they bore in them the germs of freedom and of constitutional liberty; and Hungary had been, at all times, an oasis of liberty amidst a desert of despotism. It was in 1526 that the Crowns of Austria and Hungary were united under Ferdinand I.; but although the Crowns were united, the kingdom of Hungary retained her separate privileges, and Ferdinand I. took an oath to maintain those privileges. He passed over the time when Hungary stood in the van against Turkish invasion, and came to 1741, when Maria Theresa called upon the Hungarians to support her throne. And what was the first course taken by that Queen? The first act of Maria Theresa, in succeeding to the Hungarian Crown, was to revive the decree of Andreas II. What was that decree? That was an important question for those who laughed at Hungary being called a free and independent kingdom. The Magna Charta of Hungary was passed eight years after our own Magna Charta. She took this oath, that—

> "Should I, or any of my successors, at any time infringe the privileges of the Hungarian people, it is permitted to you or your descendants, by virtue of this promise, to defend yourselves without being treated as rebels."

This was the constitution sworn to by Maria Theresa in 1741; but there was another compact. In 1790, Leopold ascended the throne, the Hungarian people being distrustful of the Austrian empire, the House of Hapsburg having shown those symptoms of treachery which it had since consummated in 1848. In 1790, the Hungarian Diet passed what was called the enlarged compact, and by Article 10 of the constitution, Leopold took the oath. He declared that—

> "Hungary was a country free and independent, in her entire system of legislation and government; that she was not subject to any other people or any other State, but that she should have her own separate existence, and her own constitution, and should be governed by Kings crowned according to her national laws and customs."

That oath was taken on the 11th of April, 1848, by the Emperor Ferdinand II.; he guaranteed the existence of a separate diet; he guaranteed liberty of the press; he made those promises in 1848; he broke them perfidiously in 1849. Should he be told, with these proofs, that the Hungarian kingdom was not as free and independent a kingdom as Hanover, or any other kingdom attached to a larger State? The perfidy of this Austrian Court had never been fully and fairly put before the people of England. There were some remarkable circumstances and analogies. If hon. Gentlemen would refer to past history, they would see that the mental reservations of this Austrian Court would strongly remind them of the mental reservations of Charles I., who was always making promises to his people—promises pledged in the hour of danger, promises broken when he was secure. There was a further analogy. We all knew the mischievous influence which the Queen Henrietta Maria exercised over Charles I.; the same influence was exercised in the Austrian Court by the Archduchess Sophia. The same influence was exercised over Ferdinand, a puppet in the hands of Metternich and Schwartzenburg, and the results were an attempt to destroy the free and independent kingdom of Hungary. He would not allude further to the intrigues of this wretched Camarilla—he thought that at least we had seen the last of the Holy Alliance; but it remained for us to see the embers of the Holy Alliance smouldering in what was called "another place;"—he did not mean those regions which were devoted to the unfortunate spirits, but he meant another place, not very remote, where the principles of that alliance still survived, and occasionally found a mouthpiece in the person of an ex-Secretary for Foreign Affairs! No later than last night was heard the melancholy drone of the Scotch bagpipe, turned out of the purlieus of Downing-street, raising a lament for what was called the lost glory of "our ancient ally." People had long been hearing of this ancient ally; but they did not know the meaning of ancient ally. If by our "ancient ally" it was meant that this country was to be chained to the chariot wheels of Metternich or Stadion, he repudiated the idea. If he understood anything of the ancient alliance of this country, it was not an agreement with a Camarilla or Ministry, but it was with the constitutional privileges of the people; and he said, that they were more bound to maintain their ancient alliance with Hungary, which formed two-fifths of the Austrian empire in size, and much more than two-fifths if we regarded her commercial power and great military advantages, than to keep up their ancient alliance with a division of the Austrian empire — Austria being a mere abstract name for a conglomeration of different nations. Away, then, with this delusion of an ancient alliance with Prince Metternich. It had been said, look how you have been treating your ancient ally! as if the claim of the Emperor Francis Joseph to the kingdom of Hungary was a legal claim. He maintained, in the face of all Europe, that the Emperor Francis Joseph was at this time an usurper in the kingdom of Hungary. He maintained, that by the laws of Hungary he was, technically speaking, a "foreigner" at this moment, and that as such he was not able to take the throne. He was neither king *de facto* or *de jure*, till he was crowned, and had taken the oaths according to the compact. What was the third article of the Hungarian constitution confirmed by Ferdinand I. in 1596, sworn to in 1790, and again in 1848?—

> "The King of Hungary cannot be discharged from the duties of sovereignty without consent of the nation, the Diet having the appointment of a regency in case of incompetence or resignation of the King."

What course had been pursued? This unfortunate and well-meaning Emperor, our "ancient ally," Ferdinand II., had been shuffled off the throne, and Francis Joseph, not the lineal successor, but the nephew, was put upon the throne. Would any one say, that Francis Joseph was at this time rightful King of Hungary? He said, that Francis Joseph might be Emperor of Austria. He was not King of Hungary. He was at this moment an usurper—a foreigner to the institutions of the Hungarians, who were engaged in a righteous and holy cause. There was another idea very prevalent in this country, and it was very much increased by some intriguers going about London, and endeavouring to prejudice the mind of the country, that this movement was a republican movement. The movement was Hungarian; it was in no way connected with the movement in France, or in other parts of Europe. It had been going on for thirty years; it was a national movement to resist the encroachments of the Austrian Cabinet. Let not hon. Gentlemen be led away by thinking that republican doctrines were fashionable or well received in Hungary. The whole constitution of Hungary was essentially aristocratical, and people there were as much attached to the aristocracy as the middle classes were attached to the institutions of this country. He therefore denied that this movement in Hungary was in any sense connected with the republican movement in Europe, or was any other than a constitutional love for ancient rights and privileges. Hon. Gentlemen were not aware that the aristocratic party in Hungary was an aristocracy in its best sense; they had always been the leaders of the people; they had always been distinguished for wishing to advance the rights of the people; and the opposition to progress and reform had proceeded from the Austrian Government, who had always resisted any amendment in the lower chamber of the Diet. In 1772 who was it that abolished serfdom in Hungary? The Hungarian aristocracy. Who was it that in 1832 instituted the first great reforms in Hungary? The aristocracy of Hungary, the leaders of the people. Who was it that in 1836 instituted liberty of the press? A man whose name, *clarum et venerabile nomen*, would be great in all times, the descendant of a noble family—that of Louis Kossuth. He was the man who carried the reforms for publishing the debates of the Hungarian Chamber. For this crime! Kossuth was condemned to imprisonment for four years. We all knew the result of that tyrannical act; we all knew that he was borne into power on the shoulders of the Hungarian people. In 1848 he abolished all feudal privileges; he turned copyhold lands into freehold; he abolished the obnoxious laws by which the peasantry had to give twelve days' labour to the nobles; he abolished the distinction of classes; and what was his reward? He was held up to the people of Europe as a wild and anarchical republican, but he stood in the proudest position of any man in the civilised world; he stood in the position of Washington; he expressed the undivided opinion of a great and liberal nation. He might be told that this was a war of races. It was no such thing. The inhabitants of Hungary were fourteen millions of people, and the Sclavonians and other races made common cause with the Magyars. Their opponents were nothing but a savage horde of banditti, headed by the boasting Jellachich: and these were the people made use of by the Court of Vienna to put down the constitutional liberty of the Hungarian people. He lamented that when he asked a question the other day of the noble Lord the First Lord of the Treasury, he termed the rising of the Hungarian nation in favour of their rights and privileges an insurrection—

Lord J. RUSSELL said, as he was then present, he might at once be allowed to state that when he used the word insurrection, he thought he had applied the proper term. He did not, however, mean to assert by that term that this was an unjust and unprovoked insurrection. He had used the term which he thought at the time was most applicable to the case.

Mr. BERNAL OSBORNE: The noble Lord was quite correct; he used the term without reflection, which, although signifying illegality in this country, in Hungary signified what was legal and right; for when they made a levy *en masse* in defence of their liberties, the Hungarian term used, was *insurrectio;* and when the Hungarian diet in 1741 said, *Vitam et sanguinem pro nostro rege,* that was *insurrectio* in the Hungarian sense of the word; that was, indeed, an insurrection in a good sense. It was the legal term of Hungary. Long might such insurrections be in fashion! Such was the insurrection for which Hampden died. Such was the insurrection of 1688. Iusurrections which formed the proudest pages in our own history! Where the perfidy of a despotic Court had been defeated by the righteous struggles of a determined people! In another place they had been talking of the "paternal government" of our ancient ally; and it was extraordinary to remark, how by an adroit adaptation of epithets, they might deceive the public mind for a series of years, and make that appear "paternal" which was only tyrannical. What had been the conduct of this paternal Government? He need not point to the atrocities in Gallicia; there the peasant was set against the noble, and the noble against the peasant. He need not point to the conduct of the paternal Government in bombarding Milan and Venice on the one hand, and, on the other, Pesth and Presburg. He need not point to the "paternal Government" which invited the barbarous Cossacks to Eastern Europe, who, if successful, would open a road to Constantinople, and Eastern Europe would become a Russian province—a paternal Government which had countenanced the order of the Russian general, Paskewitch, by which he condemned all Hungarians who were found with Hungarian notes to be publicly whipped! Should he refer to the paternal conduct of the Government in hanging Protestant clergymen and Roman Catholic priests with such impartiality as no one even in Ireland could blame? Should he refer to the paternal conduct of burning down villages; or should he refer to the paternal care which flogged women of rank, and shot prisoners of war? But this was the "paternal Government" of our "ancient ally" which met with such deep sympathy in another place!" He passed over the commercial advantages which would be derived by this country, and they would be very great, for our ancient ally, of which hon. Gentlemen and noble Lords heard so much, had always imposed a duty of 60 per cent on English merchandise. He passed over the commercial advantages to be derived by this country by the recognition of the free and independent kingdom of Hungary. There was another question, in his mind, of much greater importance. This was not a mere struggle for Hungarian independence. He looked upon this struggle which was going on in Europe as a struggle between the two principles of despotism and constitutional government. It was a struggle commenced in Hungary; but who knew where the struggle might not extend? When the last barrier was swept away, Hungary and the finest parts of the east of Europe would become nothing more than slavish dependents of the Russian empire. He had given a vote for arbitration, in the abstract principle of which he perfectly agreed; but he would say that a time might arrive when he would prefer to fight the battle of European liberty in the Baltic, rather than in the British Channel. These sentiments might not be agreeable to some, but the evil was more immediate than they thought. When they heard people in another place whose policy was the fond desire to see Sicily subjugated, and Hungary a province of the Russian empire—when he heard them heaping obloquy on a Foreign Minister, the most successful Foreign Minister this country had ever produced, he said it became them to be on the watch. They had lately passed an Alien Bill; that Bill was meant only to take up unfortunate wretches going about the streets to spread revolutionary doctrines. There were other aliens, ex-Ministers of State, banished from their own country not for their love of liberty, who, in the upper circles of society, were intriguing, and who had their tools and agents in the other House of Parliament to malign one who had always shown the greatest liberal tendencies, and to whom, if he had pandered to Neapolitan tyranny or Russian despotism, they would have bowed down and sounded his praise. He entered his protest against this, and said that the liberal party, if there were any in this country, were mistaken in not giving their support to the noble Lord the Member for Tiverton. He maintained that that noble Lord deserved the support of this country, and that those remarks which had been made upon him in another place did not express the feelings of the people. He took upon himself to say that the people of this country felt confidence in, and viewed with satisfaction, the course which had been pursued by the noble Lord. He should say no more on this occasion. He felt that it was a question which deeply called for sympathy on the part of the House. He felt sure that the noble Lord would say nothing to cast odium on a noble nation struggling for their just rights.

MR. MONCKTON MILNES, in rising to second the Motion, said that he was unwilling to believe that the noble Lord at the head of our Foreign Office, who had generally taken so enlarged a view of the prospects and condition of Europe, should have seen without concern the event then under their consideration—an event which he (Mr. M. Milnes) felt sure that he might say, without exaggeration, was one of still greater importance than any other that had taken place within the last two remarkable years. He would remind the House, that notwithstanding the tumult and the confusion which had prevailed throughout so large a portion of the Continent during that period, that was the first event from which they had reason to anticipate any very considerable alteration of the present territorial arrangements of Europe. He would also press upon their attention this important fact—that if no change should take place in the course which events were at present taking in Hungary, the future independence of Austria would, under any circumstances, be absolutely impossible. If the noble Lord were that enemy to Austria which he was foolishly supposed to be, nothing could afford him more gratification than to see the independence of the Austrian empire utterly submerged in the waters of Russian absolutism. It was very easy to say that a portion of the forces of Austria having been engaged in Italy, it was only natural that she should apply for aid to her neighbour, Russia, in her endeavours to suppress a trifling insurrection in one of her provinces. That was the diplomatic view of the question. But he hoped the House would see how delusive was that view, and how completely it evaded the whole point really at issue. What was that insurrection? Was it not a civil war of the most desperate character? Were not two-thirds of the empire of Austria in arms against the rest of that empire? He did not deny that it was perfectly free to any hon. Member to say, that a victory of Hungary over Austria would be attended with very disastrous consequences, and that it would be far better that some arrangement should be entered into by which Hungary should occupy a subordinate position to the rest of the empire of Austria, rather than that the rest of that empire should become subject to Hungary. So long as the battle lay between two parts of the empire, that was a perfectly tenable position. A similar state of things had arisen during our own civil war; and so long as the question was confined to a civil war, the analogy between those two events was almost complete; so that our Parliamentary paradox —"it is to serve his Majesty that we against him fight"—might have been most appropriately used by the people of Hungary. There had, in fact, been no war against the Emperor of Austria until he had called in the stranger. It was against the Ministry of Austria and the proclamation of a new, and, as it was contended, an illegitimate constitution, that the people of Hungary had taken up arms. The privileges and the independence of that country had been recognised by the Emperors of Austria during a series of ages; and even if there could be any doubt as to that independence in former times, there could be no doubt of it whatever after it had been fully acknowledged in the constitution granted by the late Emperor to his Hungarian subjects at the period when the present difficulties had first threatened to arise. But Austria had subsequently promulgated another constitution, which would entirely destroy the existence of Hungary as a separate kingdom, and which would change Austria from a confederation, of which Hungary formed part, into one homogeneous empire. Russia had since interfered in the struggle between the two countries; and the armies she had sent to Hungary were so enormous and so well disciplined that it looked like an impossibility that any amount of patriotism or of energy could successfully oppose them. But if Russia were to accomplish her object in that matter, what would be the consequence? Suppose that Hungary were effaced from the map of Europe—suppose that the tragedy of Poland were again enacted—suppose that another emigrant aristocracy were scattered over the face of Europe—what would be the consequence but that Austria herself would become but a province of the Russian empire? It was a remarkable fact, that previously to the intervention of Russia no terms had ever been proposed to the people of Hungary—that no attempt had been made to obviate the fatal necessity of calling in an immense alien force for the purpose of crushing a portion of the Austrian empire. He should certainly be glad to hear that the noble Lord at the head of our Foreign Office had either pressed on the Austrian Government the policy of attempting to come to terms with the Hungarian people rather than call in the aid of that alien force, or that since that intervention of Russia had taken place, the noble Lord had pointed out as strongly as he could to that Government the fatal consequences of that intervention to the independence of the Austrian empire. It had been truly stated by his hon. and gallant Friend the Member for Middlesex, that that question was not in Hungary a democratic or an aristocratic one, but that it was a national one. A very dear friend of his (Mr. M. Milnes's), Count Casimir Bathyany, was Minister for Foreign Affairs in Hungary; he was a nobleman of the highest character and prudence, who had never been engaged in plots or tumults of any kind; he was possessed of a princely fortune, which he was at present risking, as well as his life, from a desire to benefit his country; and that nobleman was only one of the representatives of the great families of Hungary who took an active part in that struggle. He would earnestly entreat his noble Friend at the head of our Foreign Office to do everything which the representative of this country could do to bring that contest, he would not say to a satisfactory issue, but to such an issue as would prevent one of the combatants from utterly destroying the other. His noble Friend might tell him that if the people of Hungary were to become victorious, it would be impossible that any reconciliation could take place between them and the Emperor of Austria, and that the existence of an independent Hungary would lead to so many diplomatic embarrassments, and would be attended with so great a disturbance of the present territorial arrangements of Europe, that it would be very difficult for him to recognise it. Now, it was impossible to deny that the question was involved in great difficulty; but it was for the purpose of meeting that difficulty that he ventured to express a hope that his noble Friend would use all his influence to prevent the matter from being brought to any extreme issue. He owned that, for his part, he should not see the Austria empire effaced from the map of Europe without very great regret. He knew that such an empire could not be broken up without leading to great European embarrassments, and perhaps to a general European war, in consequence of the struggle which would probably take place for its *disjecta membra*. But his belief was that Austria might be more powerful than she had ever been if she were to become a great confederation, instead of a homogeneous empire. It was impossible not to see that if Austria had formerly acted with anything like justice and moderation to her Italian provinces—that if she had extended to them some small amount of self-government, all the recent calamitous events in Italy might have been averted. It was also impossible not to see that in the case of Hungary there was, on the part of Austria, very little willingness to admit that country into federal relations with her, such as would have completely prevented the present collision. He could not say that he blamed the people of Hungary when they found alien armies brought in to crush and annihilate them—he could not say that he blamed them for declaring that they would no longer have anything to do with the house of Hapsburgh-Lorraine, which had treated them in so cruel a manner. But the declaration of the *decheance* of that house from the Crown of Hungary had been simply an act of reprisal for the Russian invasion. Let it be remembered, however, that no republic had been proclaimed in Hungary—that the present political state of that country was an organised regency, having at its head that remarkable man, Kossuth—a regency proclaimed and acknowledged by the Diet, and declared positively to be simply an interregnum of a provisional character, which might be put an end to at any moment by the constitutional election to the Crown of Hungary of any person whatever; and he would not say that it was impossible that under any circumstances that person should be the present representative of the house of Hapsburgh. He had asked some Hungarian gentlemen what course their fellow-countrymen would have pursued if before the invasion of Russia they had completely succeeded in the struggle on which they had entered, and had obtained possession of Vienna; and the answer he had received was, that they would at once have elected the young Emperor King of Hungary; have crowned him at Pesth, and made him swear to the Hungarian constitution. That was the intention with which the people of Hungary had embarked in the contest, and their conduct had been in this point also singularly analogous to that pursued by our own Parliamentary party at the commencement of the revolution. And he confessed that when he found the Members of that House and of the other House speaking of the rights and liberties of other nations as if they were things in which Englishmen had no concern, and to which it was no businesss of ours to turn with a sympathetic regard — he said that those Members showed great ingratitude to that Providence which had been pleased to destine England to lead on other nations in the path of constitutional freedom; he believed it would be a great mistake to suppose that Europe could again be brought back to the state in which she had a few years since been placed; and he felt assured that the only permanent foundation for peace and order in Europe was to be found in the general establishment throughout her different States of the principles of constitutional liberty. In the views which his noble Friend had taken some years since of the wants and condition of Europe, he recognised his profound statesmanship; for at a period when many people spoke of the state of Europe as if it were to last for ever, his noble Friend had foreseen the latent powers which were at work in the hearts of nations, and had, as far as possible, called on the different Governments of the Continent to prepare for the changes that were coming. But in consequence of his noble Friend's prescient sagacity, he had been accused of having caused those evils which he had merely anticipated. It certainly was to him a matter of the utmost astonishment that men of intelligence and high station shouldhave arrived at the conclusion that the present convulsed state of Europe was in any way owing to his noble Friend. He really did not know how any one could suppose that it was the object of an English Foreign Minister to foment disturbances in other countries for the mere sake of creating tumult in the world; and, in fact, that was an absurdity which it was only necessary to mention in order to refute it. A Foreign Minister in England must know well that his popularity mainly depends on his maintaining peace. Let any Foreign Minister get this country into a war, no matter for how just or honourable a purpose, and he would soon become unpopular. To suppose, therefore, that a Minister of this country should run the risk of disturbing the peace of Europe without any one national object, was, indeed, a delusion which he could only account for by bearing in mind that men sometimes allowed themselves to be so blinded by their passions and prejudices that they were unable to exercise the gifts which Providence had bestowed upon them. He believed that that was one of many questions of a similar nature which they would frequently hear of in future years. It appeared to him that the great question at present at issue throughout Europe was the extension of constitutional liberty, without which peace and order could not be maintained in its various States. From that declaration, however, he of course excepted Russia, which was placed in peculiar circumstances; and so long as the Emperor of that country satisfied the wants of his own people, and did not interfere with other nations, God forbid that he should say one word against him! The principle which should guide the foreign policy of this country, was that of non-intervention in the affairs of other States; but we should at the same time endeavour to maintain the peace of Europe, for it was only by the maintenance of peace that we could hope to develop all our great commercial and manufacturing resources, and preserve this country in a state of prosperity. There was another statesman besides the noble Lord at the head of our Foreign Office, who had foreseen the approach of those political convulsions which at present agitated Europe—he alluded to Prince Metternich, who told the writer of a work which had been lately published, M. Von Elsedom, the Prussian Minister at Vienna, that he could see the symptoms of disease in Austria, and that he knew they were fatal. Now, he (Mr. Milnes) believed that there was one mode of saving Europe from the most disastrous calamities; and that was the extension of liberal institutions to its various nations, according to their different wants and characters. He believed that the happiness of those nations could only be promoted by the establishment of a feeling of mutual regard founded on a feeling of mutual interest between rulers and their people; and it was because he believed that that intervention of the enormous power of Russia would lead to very different consequences, that he seconded that Motion. The avowed policy of the Emperor of Russia was to discourage, as far as he possibly could, the extension of constitutional government. He earnestly hoped, however, that his noble Friend would endeavour to enable Austria to rely on her own resources, and to ensure her own independence. His noble Friend, if he were to succeed in that object, would establish that country as a barrier between the west and the east of Europe, instead of becoming, as she would become if those events were to arrive at their natural conclusion, the victim and the satrap of Russia.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words, 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of any Information connected with the advance of Russian Troops into the Kingdom of Hungary, which may have been received by Her Majesty's Government, and of any Communications which have passed involving Naval or Military aid or interference on the part of this Country.'"

MR. ROEBUCK wished, before the noble Lord the Secretary for Foreign Affairs rose to address the House, to make a few observations. The hon. Member who had just sat down had said that this was an European question. In that view he (Mr. Roebuck) agreed with him. It was a question which involved great points of international law and international policy. The question of law was beyond their reach, but they might still deal with the question of policy. The important principle with which he had to deal was, that in the internal affairs of any country there should be no external force or pressure used to coerce the will of the people. That was the point which his hon. and gallant Friend the Member for Middlesex sought to establish, and to point out that a great infringement of this principle was going on before our eyes in the interference of Russia with the affairs of Hungary. Unfortunately, the Emperor-despot, as he was called, of Russia, was not the only European Power that had been guilty of this sort of interference. Going from one end of the scale of government to the other—beginning at complete despotism, and running down until you found a large and broad base of republicanism, founded in universal suffrage—you found that republican France was also infringing this great principle of international policy. And, while they directed their shafts against the despot of the North, let them not forget the many-headed despot of the South, who was now adding ridicule to injury—ridicule for its own people, and injury for the unfortunate people of Italy. His wish was, if possible, to make this a practical question; for he believed that however strongly their inclinations were expressed in that House, in the nation they would go for nothing, unless followed by some practical act on the part of the Government. A mere opinion would never reach the country interested. That despotism to which he had alluded, would prevent Hungarians, Romans, or Frenchmen, from hearing any words they might utter. Therefore he wished to see how far it was possible, without going counter to the people of England, to interfere practically in this question, and to lend our aid as a nation to this great principle of international morality. He could not agree with the hon. Member who spoke last, that in all cases the Foreign Minister would be unpopular who involved England in a war. He did not think that a great or a wise sentiment. He maintained that the people of England liked that Minister and held him to their hearts who maintained the national honour. He would not believe in any school of politicians who took that low level of national morality, that we should bind up all our feelings in the interchange of commodities, or the sordid question of profit and loss. He believed that there was something more in the souls of the people than that—that they had sympathies with the people of the world, something of the cosmopolitan feeling of which they had heard on the previous evening. They had a desire to see good government strengthened over the world, and to see the great name of England used as a means of stopping the advance of barbarian despotism, whether under the banner of Russia or that of France. One was just as bad as the other. He who trampled on the Roman people in their present weakness, was more despicable and more barbarous than the Emperor of Russia. He sent his troops to fight the Hungarians on the open field of battle, and was less censurable than the trading politicians who, by means of a besieging army, sought to work out the ends of a pitiful, paltry, intriguing spirit. There was no want of precedent for the use of our influence with foreign Powers. When Belgium revolted from Holland, we secured her independence. Greece was another instance. She, the subject of our most ancient ally, revolted, and we gave her a king and a constitution. These were two marked instances of insurrection against an acknowledged sovereign and an ancient ally, for he believed that we had not two more ancient allies than the King of Holland and the head of the Ottoman empire. We then interfered with the consent of the people of England. No offence had been given when we interfered in the insurrection of Belgium. He agreed with his hon. Friends in believing that danger existed to the civilisation of the world by the utterly uncalled-for interference on the part of Russia in the affairs of Hungary; and he wanted to see if some appeal could not be made to all the great nations of Europe, on the part of England, to arrange and settle the great disputes now going on between various sections of the people on the Continent. He contended that this was a more important case than that of Belgium. He knew that France had been in a state of revolution, and that she had dethroned her King. He also knew that there were many causes of doubt and danger then existing, and that the persons interested in the contest were closely allied with ourselves. He acknowledged all this frankly; but he would entreat of the noble Lord the Foreign Secretary, and of the House, and of the English people, to look at what was now going on in Hungary and Italy, and to think of what might be the consequences to civilised Europe. Suppose that the Russian army were victorious, and that they crushed the Hungarian people, what would be the effect? We did not go round the Cape of Good Hope to get to India now. Our highway to India was through the Red Sea; and if the Russians entered Constantinople and proceeded into Syria and Egypt, that moment we should have war under the most disadvantageous circumstances. Therefore the people of England were interested in this question. They were not to shut their eyes and say—"Oh, we are a peaceable people; we do not want war: we are afraid of war; we want cotton spinning and linen spinning, and woollen spinning, and we want the profits thereof." He acknowledged that we wanted all these things; but he contended that we should not have them unless we were a great and powerful people. He had been told that we were turned out of this view by a word used in another place, to which he would not more particularly allude, though it was not always characterised by perfect wisdom—he had been told that we were to be turned from this view of the case because we were to be called "repealers," and that we were to be compared to those who sought for a repeal of the union between this country and Ireland. Now, he was not frightened by this assertion. He was a repealer in the case of Belgium and Greece. He might be a repealer in the case of Italy; but he was not a repealer in the case of Ireland. The reason was, that in the case of Greece, Belgium, and Sicily, he saw great injustice done; and he denied injustice in the other case. When, therefore, he called himself a repealer in the one case, he was not frightened out of his view by any imputation of being a repealer in the other. He would allege that the question was an English one in the largest sense of the term; and his principal object in rising was to ask the noble Lord the Secretary for Foreign Affairs to apply his mind to a consideration of the means of employing the power, the moral power, of England in the settlement of the dispute. He perfectly concurred in all that eulogy of the noble Lord, in which his hon. Friends had indulged; and though he had no wish to be considered as linked to the chariot wheels of the noble Lord—though he stood there in opposition rather than in support of the present Government, yet he could not forbear saying that he approved of the conduct of the noble Lord at the head of the Foreign Office. And he would tell them why. The noble Lord had a purpose, and he had had the courage to maintain that purpose; and if his Colleagues acted similarly, they would have received the same meed of approbation which the noble Lord had received from the country. The principle of the noble Lord had been to keep such a front to all foreign nations that they should know that under certain circumstances they must fear Great Britain, The noble Lord had rescued us from that species of apathy and torpor in which we were likely to be placed under a former Administration; and therefore, so far as he was concerned, his Administration deserved, as it received, the approbation of the country. Let not the noble Lord suppose, that because petitions were presented to that House praying for the maintenance of peace and the settlement of international disputes by arbitration, the old spirit of this country was decayed. It was just as much alive as ever; and he deprecated every expression in that House which should have the effect of leading foreign nations to fancy that anything else had happened. We were not afraid of war. We thought war a dreadful calamity; but there were calamities still more dreadful. Subjugation to despotism — the subversion of all the honour of a great people, and of all their high aspirations after liberty and power—this was worse than war. England, great, and mighty, and secure from danger, as she was, ought to take upon herself the character of an arbitrator, to go among the nations, and say, "Listen to us, listen to our suggestions, for he that militates against the principles of international policy must not count on our support." The House might depend upon it that in such a case Russia and other Powers would be obedient, not to England, but to reason; not to our arms, but to the suggestions which humanity had dictated. Therefore, if they brought the power of this country, armed by public opinion, and by our wonderful position and great influence, to bear upon these contending parties, we should do that which would endear our name, not to the country only, but to the world, because we should have rendered ourselves the benefactors of mankind.

Colonel THOMPSON said, he should be lightly held by those whose good opinion he was anxious to maintain, if he remained silent on this question. He came from men of peace, men who abhorred the shedding of blood, and he came there to state their opinions. They viewed war as one of the greatest evils, but they would not therefore subject themselves to the imputation of being insensible to the welfare of other nations, or to the interest their country had in multiplying constitutional principles throughout Europe. They hated bloodshed, but they held the man a coward who was afraid to put his head out of window and cry "stop thief." England had now the same interest in supporting liberal principles in Europe, which our forefathers thought they had in upholding what they called the Protestant interest, which happened to be the struggle of their day. The spirit of the English people was with freedom everywhere. First-born of liberty themselves, they looked for nothing so earnestly as the success of their younger brethren of every clime and colour; and they would never rest satisfied with seeing the *ultima ratio* of European policy lodged in the bayonet of the barbarian. There could be no secured peace till something divided that black cloud of Russian despotism which hung over Western Europe. Fifty years ago, an eminent traveller (Dr. Clarke) had pointed out the fact that Russia was divided into two races—a northern and a southern. What a blessing for mankind, if one of them could be set against the other, to the neutralisation of both! Perhaps it was in some occurrence of that description that the only prospect existed for a happy issue to the present contest. Strangely as it might sound, it was said also, that in the Russian army a strong republican feeling prevailed—of all places, among the officers; and this might hold out another chance. What would have been the position of ourselves and our posterity, if in the days of our own struggles, in 1688 and other times, barbarian armies had been poured in to trample down our forefathers? Nobody could rationally doubt that in the end European liberty must advance; and it would have been established now almost by acclamation, if bad political economy had not interfered to alarm the possessors of property, and make them take the hostile side. But all this would blow over, and coming ages would yet thank England for encouragement given to the principles of freedom in this great and trying crisis.

Mr. M'GREGOR said, that the professed policy of Austria had been to be considered a paternal Government; but, as regarded Hungary, their acts had all tended for a long period to prevent the exercise of the constitutional rights of the people of that country. He said he approved of the policy pursued by the noble Lord, by which he had succeeded in bringing to a satisfactory conclusion the war that had been raging over the continent of Europe; and he believed that the House and the country intrusted to him with confidence the conservation of the interests of Britain and of nations. Before he sat down, he could not help alluding to a mistaken opinion regarding the power that used to be possessed by Prince Metternich in Austria. It was quite a mistake to suppose that he was the all-powerful Minister he was supposed to be in any other department than that specially entrusted to him, which was the foreign relations of the empire. The grand pervading authority over the whole of those extensive dominions was wielded by the Aulic Council; and it was the policy pursued by that council which was the real subject of comment when Austria was charged with oppressive and illiberal conduct. Prince Metternich, on the contrary, had ever laboured to reduce the duties upon the commodities required by the nation; and it was due to him, and him only, that any of those liberal alterations in the tariff were effected that were brought about previous to the year 1848. He said he was glad this subject had been brought before the House, and hoped that hon. Members, in discussing it, would avoid the use of language that might give offence to neighbouring Powers.

LORD C. HAMILTON said, that those who were acquainted with the nature of that constitution for which it was absurdly alleged the Hungarian nation had risen in arms, knew well that it was nothing more nor less than an engine of tyranny, under which the peasants of Hungary were worse off than the peasantry of any other part of the Austrian empire. He had resided in the country, and knew how they envied the lot of the other subjects of the Austrian Crown, who were under no such infamous constitution; and he had also heard the complaints of the nobility in other parts of the Austrian dominion, that they had not the same power over their dependents as the aristocrats of Hungary. But the aristocrat was not the word. They were magnates; and every descendant of every noble was privileged from arrest, from toll, and from military service. [MR. B. OSBORNE: No, no!] He knew they had been taxed within the last fifteen years; but he was now speaking of the old constitution for which Kossuth was supposed to be struggling. And here he could not help expressing his astonishment that a Member of the character of the hon. and gallant Member for Middlesex, in discussing the affairs of Hungary, should have entirely omitted all mention of Count Stephen Szechni, whose fortune and whose whole life had been devoted to the improvement of his country and the deliverance of the people from the tyranny of the needy magnates in whose cause Kossuth was now in arms. Not one word had the hon Member to say of such a man, though he had enlarged so much on the efforts of Kossuth, who had entirely destroyed and broken up the fabric which Count Szechni had succeeded in raising, during 30 years, by the exertion of all his great talents, perseverance, and self-denial. He had enjoyed the private friendship of that unfortunate nobleman, whose noble mind the misfortunes of his country had reduced to wretched, hopeless idiocy. But these subjects were little known in this country. It was probably not known that these privileged persons—these magnates to whom he had alluded — amounted to nearly 230,000. They were, as he had observed, privileged from arrest, from toll, and from military service, and possessed, morever, the power of inflicting corporal punishment on the peasantry. They were also hereditary judges, from whose decisions there was no appeal. He forgot, there was an appeal to a neighbouring magnate, from whom the appellant would probably get double the number of blows he had received in the first instance. But still the humbler class had their privileges. They had heard of the Upper and Lower House, and it might be supposed that the people had something to do with the lower branch of the legislature. Not a bit. Not only was no one of their class admitted to the legislature, but no one but a magnate was entitled to vote. There was, however, one device which looked like liberty. He spoke entirely from recollection, for he really had been under the impression that the debate was to have been on an Irish subject, or he would have been prepared with documents to refer to; but he believed there were fifty-five boroughs, the representatives of which were all magnates; but to prevent the possibility of anything like the development of borough or commercial freedom, those representatives might talk as much as they liked, but they must not vote. This was the constitution for which they were told the Hungarians were now fighting. There was a party in Hungary which had always endeavoured to force the nobility to be amenable to arrest, to pay taxes and tolls, and to deprive them of all obnoxious privileges; but it was not Kossuth and his followers; for it was he and the lower magnates who had prevented these improvements from being carried out. The hon and gallant Member had told them that Austria had persisted in maintaining high customs duties against Hungary; but why did he not at the same time inform the House that it was merely for the purpose of wringing from the magnates a surrender of their obnoxious privileges in exchange for a reduction of those duties? The hon. Member for Pontefract had told them that this was no republican movement. It certainly was not; because all the peasantry were opposed to it, and were only forced into a participation in the movement by Polish officers, who drove them forward with cannon behind them. Was the House aware of the meaning of the words "the population of Hungary?" The constitution, being very old, contained a very unique provision, which appeared to be taken from the Jewish empire, that it was sinful to number the people. The population, however, amounted to about 30,000,000; and the question was, in fact, whether 5,000,000 of these were to domineer over all the rest. He hoped the hon. and gallant Member for Middlesex, who was the consistent advocate of liberty, would not forget what the population was, and whether the great mass of the people were not in favour of a total abrogation of the constitution, and would not be glad to come to any terms in order to enable their magnificent country to develop its resources. He called upon the House not to suffer itself to be led astray, but to inquire a little whether there had been any demonstration of popular feeling in Hungary. Let the pressure of the army be removed, and they would then see the result. He invited the hon. and gallant Member for Middlesex, and those who agreed with him, to show that this constitution, which they professed to be the vehicle of liberty, was really so; and he warned the hon. Member for Pontefract, who aspired to be a prophet as well as a poet, that he would hereafter, on looking back, find that his poetical fancy had misled him with reference to Hungary. He hoped the House would not rush into the pitfall prepared for them, but would consider before they helped to fix on the Hungarian nation the remnant of an absolute feudal constitution, which had long ceased to work, and which had been denounced by all the enlightened men of that country.

Viscount PALMERSTON: Sir, in the few observations which I shall feel it my duty to make upon the Motion of my hon. and gallant Friend, and upon what has passed in debate, I wish to guard myself in the first place against the possibility that anything which I may say may expose me to the imputation of entertaining unfriendly feelings towards the Government and empire of Austria. I know well, that imputations have been cast upon Her Majesty's Government, and upon myself as the organ of that Government, in regard to our foreign relations—imputations of being guided and impelled in our intercourse with the Powers of Europe by personal feelings of hatred to this Power and to that. Such imputations, let them come from what quarter they may, and whether they be written or spoken, if they be sincere, are the result of ignorance and folly; if they are insincere, I leave others to qualify them as they may. It is the grossest ignorance to suppose that the Government of this country—that the man who may for the time be charged with the conduct of its foreign relations, can be influenced in the management of those affairs by any other feeling than his conception of what is his duty, according to his political opinions, and according to his views of the interests of his country and the general interests of the civilised world. Austria is a Power towards which the Government of this country ought upon many accounts to feel great consideration. We have been told that Austria is our ancient Ally. We have had the term "ally" and "allies" rung in our ears by those who either must be ignorant of the slip-slop expression they were using, or who, through what I must admit to have been its general acceptation, forgot that they were using a totally unmeaning term. Why, what is an ally? An ally is a Power allied by treaty engagements in carrying on some active operations, political or otherwise. But to call a country an ally, merely because it is an a state of friendship with you, is to use an expression that has no meaning whatever, because it is applicable to every other Power in the world with whom you may happen not to be in a state of war. But Austria has been our ally. We have been allied with Austria in most important European transactions; and the remembrance of the alliance ought undoubtedly to create in the breast of every Englishman, who has a recollection of the history of his country, feelings of respect towards a Power with whom we have been in such alliance. It is perfectly true, that in the course of those repeated alliances, Austria, not from any fault of hers, but from the pressure of irresistible necessity, was repeatedly compelled to depart from the alliance, and to break the engagements by which she had bound herself to us. We did not reproach her with yielding to the necessity of the moment; and no generous mind would think that those circumstances ought in any degree to diminish or weaken the tie which former transactions must create between the Governments of the two countries. But there are higher and larger considerations, which ought to render the maintenance of the Austrian empire an object of solicitude to every English statesman. Austria is a most important element in the balance of European power. Austria stands in the centre of Europe, a barrier against encroachment on the one side, and against invasion on the other. The political independence and liberties of Europe are bound up, in my opinion, with the maintenance and integrity of Austria as a great European Power; and therefore anything which tends by direct, or even remote, contingency, to weaken and to cripple Austria, but still more to reduce her from the position of a first-rate Power to that of a secondary State, must be a great calamity to Europe, and one which every Englishman ought to deprecate, and to try to prevent. However, it is perfectly true, as has been stated, that for a long course of time Austria has not been a favourite with the liberal party in Europe. Austria, by the course of policy which she has pursued, has, in the opinion of a great part of the Continent, been identified with obstruction to progress. That circumstance unfortunately has made her proportionately a favourite in the eyes of some; and when we hear such declamations in favour of Austria, I would warn the Austrian Government not to trust too much to those protestations. It is not as the ancient ally of England during war—it is not as the means of resistance in the centre of Europe to any general disturbance of the balance of power—it is as the former (though I trust it is no longer so)—the former symbol of resistance to improvement, political and social—it is in that capacity that Austria has won the affections of some men in the conduct of public affairs. There are persons who see in the relations of countries nothing but the intercourse of Cabinets—who value a country not for its political weight, but for its political opinions—and who consider that the relations between countries are sufficiently intimate when the personal intercourse of their Governments is placed on a complimentary footing. Sir, there are men who, having passed their whole lives in adoring the Government of Austria, because they deemed it the great symbol of the opinions which they entertained, at last became fickle in their attachment, and transferred their allegiance to the Government of France, because they thought that in that Government they saw an almost equal degree of leaning to the arbitrary principle, and because they, forsooth, suspected that Government of designs hostile to the interests of freedom. We have heard of persons of that sort making use of the expression "old women." Public men ought not to deal in egotism, and I will not apply to them the expression that has fallen from their own mouths. I will only say that the conduct of such men is an example of antiquated imbecility. With regard to the present question, I am sure that everybody who has heard what has passed—everybody in this country who has given attention to the most important events that have taken place in Hungary—must feel that my hon. and gallant Friend need have made no apology for drawing the attention of the Parliament of England to transactions deeply affecting the political principles of Europe, and having a most important bearing upon the general balance of European power. The House will not expect me to follow those who have spoken today by endeavouring to pass judgment either way between the Austrian Government and the Hungarian nation. I say the Hungarian nation, because, in spite of what has fallen from the noble Lord the Member for Tyrone, I do believe, from the information I have received—and I do not pretend I may not be mistaken—but I firmly believe that in this war between Austria and Hungary, there is enlisted on the side of Hungary the hearts and the souls of the whole people of that country. I believe that the other races, distinct from the Magyars, have forgotten the former feuds that existed between them and the Magyar population, and that the greater portion of the people have engaged in what they consider a great national contest. It is true—as my hon. and gallant Friend has said, that Hungary has for centuries been a State which, though united with Austria by the link of the Crown, has nevertheless been separate and distinct from Austria by its own complete constitution. That constitution has many defects; but some of those defects were, I believe, remedied not long ago, and it is not the only ancient constitution on the Continent that was susceptible of great improvement. There were means probably within the force and resources of the constitution itself to reform it; and it might have been hoped that those improvements would have been carried into effect. But, so far as I understand the matter, I take the present state of the case to be this: Without going into the details of mutual complaints as to circumstances which have taken place within the last year or year and a half, I take the question that is now to be fought for on the plains of Hungary to be this—whether Hungary shall continue to maintain its separate nationality as a distinct kingdom, and with a constitution of its own; or whether it is to be incorporated more or less in the aggregate constitution that is to be given to the Austrian empire? It is a most painful sight to see such forces as are now arrayed against Hungary proceeding to a war fraught with such tremendous consequences on a question that it might have been hoped would be settled peacefully. It is of the utmost importance to Europe that Austria should remain great and powerful; but it is impossible to disguise from ourselves that, if the war is to be fought out, Austria must thereby be weakened, because, on the one hand, if the Hungarians should be successful, and their success should end in the entire separation of Hungary from Austria, it will be impossible not to see that this will be such a dismemberment of the Austrian empire as will prevent Austria from continuing to occupy the great position she has hitherto held among European Powers. If, on the other hand, the war being fought out to the uttermost, Hungary should by superior forces be entirely crushed, Austria in that battle will have crushed her own right arm. Every field that is laid waste, is an Austrian resource destroyed—every man that perishes upon the field among the Hungarian ranks, is an Austrian soldier deducted from the defensive forces of the empire. Laying aside those other most obvious considerations that have been touched upon as to the result of a successful war, the success of which is brought about by foreign aid —laying that wholly aside, it is obvious that even the success of Austria, if it is simply a success of force, will inflict a deep wound on the fabric and frame of the Austrian empire. It is therefore much to be desired, not simply on the principle of general humanity, but on the principle of sound European policy, and from the most friendly regard to the Austrian empire itself—it is, I say, devoutly to be wished that this great contest may be brought to a termination by some amicable arrangement between the contending parties, which shall on the one hand satisfy the national feelings of the Hungarians, and on the other hand not leave to Austria another and a larger Poland within her empire. Her Majesty's Government have not, in the present state of the matter, thought that any opportunity has as yet presented itself that could enable them with any prospect of advantage to make any official communication of those opinions which they entertain on this subject. I say official, as contradistinguished from opinions expressed in a more private and confidential manner; but undoubtedly, if any occasion were to occur that should lead them to think the expression of such opinions would tend to a favourable result, it would be the duty of the Government not to let such an opportunity pass by. Upon the general question, and in regard to the conduct which it ought generally to be the duty of this Government to pursue in its relations to foreign Powers, I have heard with great satisfaction much that has fallen from the hon. Gentlemen who have taken a part in this debate. I think the record of the sentiments that have been expressed will be of great utility. It is most desirable that foreign nations should know that, on the one hand, England is sincerely desirous to preserve and maintain peace—that we entertain no feelings of hostility towards any nation in the world—that we wish to be on the most friendly footing with all—that we have a deep interest in the preservation of peace, because we are desirous to carry on with advantage those innocent and peaceful relations of commerce that we know must be injured by the interruption of our friendly relations with other countries: but, on the other hand, it is also essential for the attainment of that object, and even essential for the protection of that commerce to which we attach so much importance, that it should be known and well understood by every nation on the face of the earth that we are not disposed to submit to wrong, and that the maintenance of peace on our part is subject to the indispensable condition that all countries shall respect our honour and our dignity, and shall not inflict any injury upon our interests. Sir, I do not think that the preservation of peace is in any degree endangered by the expression of opinion with regard to the transactions in Hungary or other countries. I agree with those who think—and I know there are many in this country who entertain the opinion—that there are two objects which England ought peculiarly to aim at. One is to maintain peace; the other is to count for something in the transactions of the world—that it is not fitting that a country occupying such a proud position as England—that a country having such various and extensive interests, should lock herself up in a simple regard to her own internal affairs, and should be a passive and mute spectator of everything that is going on around. It is quite true that it may be said, "Your opinions are but opinions, and you express them against our opinions, who have at our command large armies to back them—what are opinions against armies?" Sir, my answer is, opinions are stronger than armies. Opinions, if they are founded in truth and justice, will in the end prevail against the bayonets of infantry, the fire of artillery, and the charges of cavalry. Therefore I say, that armed by opinion, if that opinion is pronounced with truth and justice, we are indeed strong, and in the end likely to make our opinions prevail; and I think that what is happening on the whole surface of the continent of Europe is a proof that this expression of mine is a truth. Why, for a great many years the Governments of Europe imagined they could keep down opinion by force of arms, and that by obstructing progressive improvement they would prevent that extremity of revolution which was the object of their constant dread. We gave an opinion to the contrary effect, and we have been blamed for it. We have been accused of meddling with matters that did not concern us, and of affronting nations and Governments by giving our opinion as to what was likely to happen; but the result has proved, that if our opinions had been acted upon, great calamities would have been avoided. Those very Governments that used to say, "The man we hate, the man we have to fear, is the moderate Reformer; we care not for your violent Radical, who proposes such violent extremes that nobody is likely to join with him—the enemy we are most afraid of is the moderate Reformer, because he is such a plausible man that it is difficult to persuade people that his counsels would lead to extreme consequences—therefore let us keep off, of all men, the moderate Reformer, and let us prevent the first step of improvement, because that improvement might lead to extremities and innovation." Those Governments, those Powers of Europe, have at last learned the truth of the opinions expressed by Mr. Canning, "That those who have checked improvement because it is innovation, will one day or other be compelled to accept innovation when it has ceased to be improvement." I say, then, that it is our duty not to remain passive spectators of events that in their immediate consequence affect other countries, but which in their remote and certain consequences are sure to come back with disastrous effect upon us; that, so far as the courtesies of international intercourse may permit us to do, it is our duty, especially when our opinion is asked, as it has been on many occasions on which we have been blamed for giving it, to state our opinions, founded on the experience of this country—an experience that might have been, and ought to have been, an example to less fortunate countries. At the same time, I am quite ready to admit that interference ought not to be carried to the extent of endangering our relations with other countries. There are cases like that which is now the subject of our discussion, of one Power having in the exercise of its own sovereign rights invited the assistance of another Power; and, however we may lament that circumstance, however we may be apprehensive that therefrom consequences of great danger and evil may flow, still we are not entitled to interpose in any manner that will commit this country to embark in those hostilities. All we can justly do is to take advantage of any opportunities that may present themselves in which the counsels of friendship and peace may be offered to the contending parties. We have, on several occasions that have happened of late in Europe, been invited to "intermeddle," as it is called, in the affairs of other countries, although it has been said of this country, that it stands so low in public opinion in Europe, that we are treated with contempt both by Governments and by nations. Certainly, the way in which that want of respect has been shown is singular, when from the north to the south, in cases of difficulty, not only between nations but internally between Governments and their own subjects, we have been asked and invited to interpose our friendly mediation in their affairs. We have on those occasions done our best to accomplish the object which we were called upon to fulfil; and, in one case at least, we have now nearly succeeded. We have heard a great deal, in the course of the Session, of "sham mediations" in the contest between Denmark and Germany; but that "sham mediation" has ended in a real preliminary treaty, and I hope that preliminary treaty will soon be followed by a permanent pacification. Sir, to suppose that any Government of England can wish to excite revolutionary movements in any part of the world—to suppose that any Government of England can have any other wish or desire than to confirm and maintain peace between nations, and tranquillity and harmony between Governments and subjects, shows really a degree of ignorance and folly which I never supposed any public man could have been guilty of, which may do very well for a newspaper article, but which it astonishes me to find is made the subject of a speech in Parliament.

LORD DUDLEY STUART said, this debate would excite a more lively interest all over the continent of Europe than any other debate in the present Session. A struggle was now going on between Austria and Hungary the importance of which it was impossible to over-estimate, for the world was in danger of seeing another partition of Poland, another instance of similar treachery, another example of a brave and gallant people having their rights destroyed and reduced to the miserable condition of Russian serfs. It was impossible the British House of Commons could view this struggle with indifference. It was not a struggle for an abstract idea; it was the effort of an united people determined to maintain the constitution which had been handed down to them for centuries—a constitution which had been sworn to by all their sovereigns even so late as last year, and by virtue of which oath alone the Emperor of Austria held any rightful sway over the country. The constitution of Hungary was as similar to the constitution of this country as any mentioned by history. It consisted of three estates, King, Lords, and Commons; yet the noble Lord the Member for Tyrone had ventured to designate it as an "infamous constitution." That word would attach to the name of the noble Lord, and when he went forth he would be pointed at as the man who had ventured not only to call the Hungarian constitution "infamous," but who had even spoken of the "infamous" Kossuth. Why, if there were defects in that constitution, they had been cured by the reforms established by that illustrious man, Ludwig Kossuth. But the enemies of Hungarian liberty, like the enemies of Polish liberty, and like all who spoke on the side of despotism, invariably resorted to the practice of pointing out defects which had existed long since, utterly forgetting the reforms since accomplished. They were perpetually speaking of the faults of the Polish constitution of former days, entirely overlooking the reforms of 1791; and now they spoke only of the evils of the Hungarian constitution, passing wholly by the reforms established by Kossuth, to whom the country was indebted for the liberty of the peasants and of the press. He denied that Count Szechni was the only author of the great reforms that had been made in Hungary; and if the Hungarian constitution was so "infamous," why had the Emperor of Austria sworn to maintain it? He thought the speech of his noble Friend the Secretary of State for Foreign Affairs did him great honour. It would have the effect of increasing the popularity which he was happy to see his noble Friend enjoy in the country. The noble Lord had spoken of the necessity of having Austria strong and potent as a means of maintaining the balance of power in Europe. He had been himself of that opinion as long as there was a chance of its being carried out; but now that Austria had called in Russian aid, she was to be considered henceforth as merely the tool of Russia. That was, he thought, another reason why the independence of Hungary ought to be maintained; and his belief was that the true establishment of the balance of power in Europe would be in the restoration of Poland, and the re-establishment of both Poland and Hungary as independent States. He believed that nothing would tend more to the commercial advantage of this country than having powerful constitutional Governments in Eastern Europe. He was glad to have heard the noble Lord state his determination to lose no opportunity of remonstrating against the attempts to put down the Hungarians in their righteous struggle. He certainly felt great satisfaction at this debate, because he thought it would have the effect of enlightening the public on the real state of things, and at any rate it would show the great interest which the House of Commons, as well as the country at large, felt in the struggle which was now going on to establish liberty in the east of Europe.

MR. WYLD said, after the almost unanimous expression of opinion that had been exhibited during this debate, he would only say a very few words. He wished merely to draw attention to the fact, that Russia was steadily advancing her power, and that according as her influence extended to territory after territory, the sale of British manufactures receded. This was the case with the trade of this country with Moldavia and Wallachia; and the present events in Hungary would, if Russian influence succeeded, shut out England from one of her most important markets. There was an opportunity of sending goods to the value of 16,000,000*l.* a year to the Hungarian market; and at a time when British commerce received so many blows, he hoped the noble Lord would so protect the interests of this country that they would not suffer in any new arrangements that might be entered into by Russia with regard to the Austrian territories.

Mr. BERNAL OSBORNE said, that as the noble Lord had intimated that there were no official papers to produce, he would, of course, not press his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Resolutions reported.

The House adjourned at a quarter after Four o'clock, till Monday next.

HOUSE OF LORDS,

Monday, July 23, 1849.

Minutes.] A Conference. Incumbered Estates (Ireland).

Public Bills.—1° Attachments, Courts of Record (Ireland); New Zealand Land Conveyances; Stamp, &c. Allowances; Judgments (Ireland).

2° Stock in Trade; Advance of Money (Athlone to Galway Railway); Joint Stock Companies Act (1848) Amendment; Relief of Distress (Ireland) (No. 2); Small Debts Act Amendment; Borough Relief; Petty Bag, &c. Offices Amendment; Labouring Poor Act Amendment; Land Improvement Amendment; Inland Posts (Colonies); County Rates, &c.; Poor Relief (Cities and Boroughs).

Reported.—Lunatic Asylums (Ireland); Highway Rates; Titles of Religious Congregations (Scotland); Excise Benevolent Fund Society; Commons Inclosure (No. 2); Newgate Gaol (Dublin).

3° Militia Ballots Suspension; Indictable Offences (Ireland); Summary Convictions (Ireland).

Petitions Presented. By the Earl of Rosse, from Cork, and several other Places, for the Restoration of the Ten Suppressed Sees; also from Kildare, for an Alteration of the Irish Poor Law.—By Earl Nelson, from the Clergy and Laity of the Church of England, for an Alteration of a certain Portion of the Criminal Law Consolidation Bill.—By the Duke of Newcastle, from Nottingham and Newark, for the Restoration of Protective Duties on Foreign Produce.

ELECTION OF SHERIFFS.

Lord BROUGHAM presented a petition from John Remington Mills, of Englefield Green, in the county of Surrey, praying that measures may be adopted for remedying certain abuses in the election of Sheriff for the city of London. Mr. Mills was a gentleman of the highest respectability, residing at a distance of twenty miles from London. He had no vote for the choice of the representatives of the city of London in Parliament; he had no vote in the choice of its principal representatives and officers; he interfered not in the management of civic affairs; but, nevertheless, the citizens had singled him out as a fit man to serve the office of sheriff of London and Middlesex, and he had been obliged to pay a fine of 600*l.* to avoid filling that office. In the election of sheriffs for other counties, whenever a gentleman resided out of the county, and pleaded his non-residence as a reason for his not serving as sheriff, Her Majesty's Judges always considered that as a sufficient reason for not forcing the appointment upon him. The petitioner prayed their Lordships to pass an Act exempting parties who were not resident in the city of London from serving as sheriffs for it. There were always parties enough willing to undertake the office, and he had even known parties who had gone to the expense of keeping the poll open for some days in order to secure it. Great abuses had arisen from this mode of electing parties to serve as sheriffs who it was known would not serve. In the year 1806, twenty-three persons who would not serve the office were elected sheriffs, and 15,800*l.* had thus been brought into the city coffers. In the last twenty-seven years, 64,000*l.* had thus been levied upon parties whom the corporation knew to be reluctant to serve this office. He did not mean to deny that this practice was sanctioned by long and immemorial usage, neither did he mean to complain of this abstract right of the corporation; but he should make a proposition upon this subject when the first Corporation Bill came under the consideration of their Lordships.

Petition ordered to lie on the table.

LUNATIC ASYLUMS (IRELAND) BILL.

House in Committee (according to order).

Lord MONTEAGLE drew the attention of their Lordships to a dictum which was said to have fallen from a high legal functionary (the Lord Chief Baron), in relation to a late lunatic case as a lunatic.

It was this—that no one is justified in placing in custody any person who is not dangerous to himself or others. That dictum had created great surprise among those who had heard it; for everybody must be aware that the great majority of persons detained in custody in lunatic asylums were no more dangerous to themselves or others than any of the noble Lords whom he was addressing. Not only would great inconvenience arise if this were the state of the law, but great cruelty and inhumanity would be certain to be the consequences of it; for, to any one acquainted with the nature of lunacy, it was well known that all chances of recovering from it were connected with the early treatment of it. In its early development, the curative process was most efficient; whereas if you withheld that process till the malady became inveterate, the probability was that the process would not be curative. The evil consequences of this state of the law, if law it was, were already manifesting themselves in many hospitals and lunatic asylums. Since the publication of this opinion of a learned Judge, many notices had been given by parishes that they would not be answerable for the expenses of pauper lunatics, except where they were dangerous to themselves or others. He prophesied that in the interval between the close of the present and the commencement of the next Session, there would be many actions commenced by speculating solicitors, which would lead to the most distressing results. If the law were such as this high legal functionary had stated to be, he would undertake to say that there was not a single establishment in the country for the relief of lunacy which was not carried on contrary to law. Great confusion would ensue, and it was on this ground that he took the liberty of mentioning this matter. There was a letter on this subject addressed to the Lord Chancellor by the Chief Commissioner of Lunacy, pointing out all these inconveniences, and he hoped that that letter would be laid upon the table before the next reading of this Bill.

Lord BROUGHAM observed, that this subject was one of great importance, and thanked his noble Friend for bringing it thus prominently forward. It was, however, idle for their Lordships to say anything upon it now, as the subject was still *sub judice*, and their Lordships might have to decide upon it in their judicial capacity. It was clear to him that, if the learned Judge had really stated upon the trial what he was represented to have stated, there must be a motion for a new trial; it could not be avoided. He had no doubt that everything which ought to be done had been done in the administration of justice, and that the account which his noble Friend had quoted must be inaccurate. He could not conclude, however, without recommending speculating attorneys to bring no actions upon this dictum; for, if they did, they certainly would have their own costs to pay. Nothing, however, could be done in the matter till next Michaelmas term.

Bill reported, without amendment.

STOCK IN TRADE BILL.

Order of the Day for the Second Reading read.

The Earl of GRANVILLE moved the Second Reading of this Bill.

The Earl of MALMESBURY said, he believed that it had been the custom of the House for some years to pass this Bill *sub silentio*. Their Lordships were well aware what the nature of the Bill was, namely, to exempt stock in trade from paying its quota towards the poor-rates of the country. He would not go back to the causes which had induced their Lordships and the other House of Parliament to remain silent when the subject had been brought before them, and annually to let this Bill pass without comment or observation. But he believed that the tendency of recent legislation, by which additional burdens had been imposed upon a particular class of property in this country, had been to aggravate to an immense extent the evil and injustice of which he was about to complain as resulting from this measure. On looking at the official returns made to their Lordships and to the other House, he saw that in the year 1847 the assessment on which the poor-rate was made was 67,000,000*l*. In 1847 the poor-rate amounted to 5,200,000*l*. and some odd thousands; and in 1848, on the same assessment, the poor-rate was increased by the sum of 882,000*l*., being at that period in the whole 6,180,000*l*. Without going into the causes of such an increase in one year, their Lordships must at once see what an immense aggravation that difference made with respect to the property which was rated. All this vast amount was raised on what was called real property; and when they saw that that portion of real property which was called the agricultural interest or landed property—when they saw that the rental of that description of property in England and Wales amounted at the last estimate to 40,000,000*l.*, the proportion then which the land alone was called upon to contribute in the year 1847 was 3,200,000*l.* out of the whole sum of 5,200,000*l.*, the rest being charged upon the manufactories, mills, household property, &c. It was not his intention to draw any comparison as to the disparity of taxation as bearing on the agricultural and manufacturing interests; but when they saw that 67,000,000*l.* were alone taxed towards this particular impost; when they also looked at the result of the property tax, it was clear that a vast mass of the property of the country was exempt from this tax, which was imposed by one of the wisest Sovereigns of this country, on the purest and best principles of Christian charity and policy—namely, that the destitute poor should be supported by the property of the country. He was glad to hear it stated that Her Majesty's Government contemplated some reforms upon this point, and that one of Her Majesty's Ministers had declared that not another year should pass without the Government giving its full attention to this most important subject. If it would not be considered presumptuous in him, he would call the attention of the Government to the plan which he would propose as a remedy for the inequalities which were admitted on all hands to exist with respect to this rate. If they looked at the result of the property tax, they would find that that tax amounted as nearly as possible to the amount of the poor-rate; but it was raised on a poundage of 3 per cent. It therefore was an easy calculation for their Lordships to make, that the property on which the property tax was raised must amount to nearly 200,000,000*l.* According to this calculation, it would appear that 110,000,000*l.* or 120,000,000*l.* escaped paying anything whatever for the support of the poor. They had, no doubt, often heard of exemptions and immunities enjoyed by particular classes, but he certainly had never heard before of one so monstrous as this. Moreover, it was one which applied to a subject having reference to that which was a Christian duty—namely, the support of the destitute poor of the country. He had heard a great deal said on this subject. He had heard it asked why, in the course of the last two stormy years, England had escaped all the horrors and troubles of revolution. He was ready to point out one principal reason. There was, in the first place, our liberal constitution, which afforded an opportunity for the removal of undisputed causes of discontent, and we had a Sovereign the most virtuous that ever sat on a throne; but he thought that the main reason was to be found in the existence of our poor-laws, which protected the poor, and formed a link between them and the rich, which did not exist in any other country. Such being the case, he hoped that Her Majesty's Government would give the country some assurance that this subject should not be lost sight of next Session. He begged them to consider whether any scheme of relief would not be hopeless if they mixed it up with county rates, prison rates, and all the other rates for local taxation. He believed that, if the Government undertook to revise this law, they should make it a law *per se.* They should make it at once a poor-tax, and levy it upon all kinds of property without discrimination. It would thus collect the same amount for the relief of the poor as now, even if the incomes under 150*l.* should not be included. If that property were included, it would make a difference of one-third in the amount levied for the relief of the poor; or, in other words, you would receive one-third more than you did now for that object. The poor in that case would only be a burden of 2 per cent, and not of 8 per cent, on the real property of the country. It had been said, that in such a case there would be no control over the local management of the rates. He thought it would not be difficult to find an effectual control over them. They had already a return of the amount of the poor-rate struck for the whole country. They had also a return of the amount raised and spent in each town and parish. They would be certain, by a rate of 5*d.* in the pound on all the property of the country, to raise sufficient to pay all that had been paid for the relief of the poor during an average of three or five years, as they chose to take it. They might vote a general rate of that kind on the average of the poor-rates for the last three or five years, establishing this rule—that each parish should receive out of that general rate only the average which it had spent for the last three or five years for the relief of the poor; and that if it exceeded that amount, it should make it good by a rate in aid.

The EARL of GRANVILLE said, that

this was a subject of great importance, which had been discussed elsewhere, and which was very fit for discussion on a suitable occasion. He assured their Lordships that the Government would not neglect it, when the question came in a larger shape before it. He would briefly state the reason why, in his opinion, it was expedient to pass this Bill now. This Bill owed its origin to a judgment given in one of the courts of law that all stock in trade was liable to be rated to the relief of the poor. There was at the same time another judgment which exempted all wages of every description from such rating. Now, ever since the reign of Queen Elizabeth stock in trade had been exempted from the poor-rate, owing to the difficulty, if not the impossibility, of assessing it. To make stock in trade liable to the poor-rate at this time of day would be something like the imposition of a new tax exclusively upon the trading interests. Now, the effect of not passing this Bill would be to leave the law in a state of great uncertainty, would give rise to constant litigation, and would enable any ratepayer to call in question the legality of any rate which might hereafter be levied. Besides, the present mode of striking the rate was not so great a hardship to the agricultural interest as it at first seemed. It would certainly lead to a diminution of the poundage of the rates throughout the whole country, and therefore throughout the agricultural parishes. But the main benefit of the system would fall on the parishes near the place in which their Lordships were sitting—for instance, in the parishes of St. James and St. George, where there were many shopkeepers with large stocks in trade, and many householders, who had no property in the parish save the mansions in which they resided. Under these circumstances, he begged their Lordships to read this Bill a second time.

The DUKE of RICHMOND entirely concurred with his noble Friend (the Earl of Malmesbury) as to the gross injustice of the present system of levying the poor-rate. At the same time he did not think that the agricultural classes would gain very much by the abolition of the exemption of stock in trade from liability to poor-rate. He understood that a Member of the Government in another place had promised to bring in a measure next Session on the subject of general rating; and if that were the fact, what necessity was there for passing the present measure—because the Act which it professed to continue would not expire until the end of the Session of 1850? When they spoke of the poor-rate levied on the agricultural interest, they should remember that in addition to that burden the landed interest was subject to enormous liabilities for county purposes, such as the building of new prisons, lunatic asylums, &c. The agriculturists were compelled from time to time to expend large sums of money in carrying out the fancy of any visionary that chose to propound his theories to the House of Commons. The whole of the expense of county constabulary was borne by the landed interest. Now he believed that the only mode of compelling any Government to do right in this matter was by refusing to pass these suspension Bills. If their Lordships acted thus, the Government would be compelled without delay to introduce a measure which should put an end to the injustice of the present system. Unless the noble Lord opposite (the Earl of Granville) would rise and say distinctly that Her Majesty's Government intended next Session to lay before the House a satisfactory measure on this subject, he did not think that this Bill ought to be allowed to pass.

The EARL of MALMESBURY said, it was not his intention to oppose the Bill. His only object was to induce the Government, without delay, to put an end to the present most unjust system of levying the poor-rate.

The EARL of GRANVILLE said, that the Government had promised, through the medium of the Under Secretary of State for the Home Department, to introduce a measure next Session on the subject of local rating.

LORD STANLEY could not help saying that the law on this subject was not in a satisfactory state. When we had been compelled for seven or eight years to introduce an annual Bill to supersede the ordinary law, it was the duty of Government, instead of refusing to discuss the question, to take the initiative in curing that which all parties concurred in calling an anomaly.

LORD CAMPBELL reminded Lord Stanley that this Bill had passed annually for many years during the existence of the Administration of which his Lordship had been no unimportant Member. By the almost unanimous consent of every parish in England ever since the original enactment of the 43d of Queen Elizabeth, personal property had not been rated. Twelve years ago it was discovered that the poor-rates had been illegally levied for more than two centuries and a half, and the consequence was, that if this Bill had not been passed, no rate for the relief of the poor could have been levied without great litigation. The noble Earl, in the speech which he had delivered that evening, had proposed nothing more or less than a national rate. Now, if such a rate were to be sanctioned by Parliament, the chance was, that at the end of seven years it would be just seven times the amount of the existing poor-rate.

On Question, resolved in the *Affirmative.* Bill read 2^{a}.

WAR MEDALS.

The Duke of RICHMOND rose to ask if the Government would not consent to extend the general orders of the Admiralty and Army, by adding actions both by sea and land, to which war medals should be granted. He would instance, in the first place, the expedition to Egypt as illustrating the ungenerous manner in which the Government dealt with men who had risked their lives in defence of the nation's interests. That expedition was admitted by the French generals to have been one of the most dashing, daring, and ably executed exploits ever accomplished. The landing of the troops was especially deserving of admiration—upwards of 5,000 men having been placed on the shore in five or six minutes, ready for action. The success of that army was of no ordinary nature ; they took above 22,000 prisoners; and yet the Government, which had granted medals for actions of far less importance, had, up to the present time, neglected to give them any medals. For that campaign he found that three peerages had been granted: one being to the widow of Sir R. Abercromby, with a pension of 2,000*l.* a year ; and another to Sir J. H. Hutchinson ; and the third to the Admiral who commanded the naval force. The votes of Parliament were twice given to that army. The only argument which he had heard for not granting medals to the men that served in it, was that the superior officers received no medals from the Sovereign of that time. But although it was not the practice of the Crown of England to bestow medals at that time, yet the King of England permitted his son to give medals to the officers that served in that war; and surely there could not be the slightest reason why ribbons and medals should not also be given to the non-commissioned officers, soldiers, and sailors. For the capture of Washington, also a most gallant exploit, no medals had been given. There was another of his noble Friend's (the Duke of Wellington) great achievements, the passage of the Bidassoa, upon which occasion 40,000 British soldiers of the line were passed over in one day. The thanks of both Houses of Parliament were voted to the army, but no medals had been given to the men as a reward for the great services rendered by them upon that occasion. Again, medals had been given for the capture of Martinique, but none had been given for a more important service—the capture of the Isle of France. For the siege and capture of Flushing, also, no medals had been awarded. Upon the occasion of the capture of four American vessels in Chesapeake Bay, no medals had been given; while for the capture, by a sloop, of a small vessel in the Channel, rewards had been given. Then there were the operations under Sir Edward Owen, all of which were entirely neglected. Then there was the great campaign in India, for which the East India Company proposed to give medals to the King's soldiers, but was prevented from doing so by the Duke of York, who was then commander-in-chief ; and to this day the King's troops had received no medals, whilst the East India Company's troops had received one for their share in the campaign. He trusted, however, that now at least Her Majesty's Government would take the whole of this subject into their serious consideration, and do justice to those old veterans who had so much contributed to the glory of the empire. To show the extreme injustice of the present system, he might mention that an old gentleman, who had served as captain in the Navy, and who had been fifty-one years in Her Majesty's service—who had been engaged on fifty different occasions with the enemy, and five times shipwrecked—who had lost a leg and part of a thigh—who had received three most desperate wounds—and who bore so high a character that the First Lord of the Admiralty (whose loss they must all deplore) appointed him to be one of the captains of Greenwich Hospital —this old gentleman, for his lengthened and honourable service, had received—how many medals did their Lordships suppose ? Not one, because he did not happen to have served in any of those actions which the Government had been pleased to select for the favours of the Crown. There were several similar instances of hardship. The Government excused themselves for not rewarding many of those old veterans on the ground that they had never been engaged in general actions; but any man at all acquainted with warfare knew that skirmishes were frequently attended with more danger than general actions; and that many men, in consequence of the wounds which they received in those skirmishes, were prevented from taking part in the general action which followed. He therefore begged to ask his noble Friend opposite whether it was the intention of Her Majesty's Government to extend the General Orders of the Admiralty and Army by adding actions both by sea and land in the distribution of war medals? At the same time he begged to move for returns, to the production of which, he was quite sure, his noble Friend could have no objection, namely, nominal return of the actions for which medals had been awarded by sea and by land from 1794 to 1814, both inclusive, in pursuance of the General Orders of the Admiralty and Horse Guards; secondly, a return of actions and military and naval operations, for which the thanks of Parliament have been voted up to the present time; and also, lists of the actions which regiments are permitted to have emblazoned on their standards and colours.

Earl GREY said, the great difficulty in acceding to the desire which had been so strongly expressed of medals being granted for services in the late war was, how to ascertain the particular service in respect to which this honour should be granted. It was a subject of difficulty almost insurmountable, at this period of time, to investigate what was the degree of merit of each individual in a war that took place more than a quarter of a century since. On the other hand, he must remind his noble Friend that he himself, when he originally brought this subject under the consideration of their Lordships, stated that, in his opinion, it was not desirable that those honours should be given without distinction. His noble Friend deemed, as every person must, that to give without discrimination to every one in the Army during the war a medal, whether the service in which he was engaged was important or not, would be exceedingly inconvenient, not to say injurious. If this were not to be the rule pursued—if they were not to give the medal without discrimination to all persons serving during the war, it was absolutely necessary to find some rule or other by which they could determine what were to be the particular services and actions in respect to which that honour would be granted. After much consideration and consulting the noble Duke at the table (the Duke of Wellington), it was thought, on the whole, the best rule would be (though in some cases that rule might not be quite satisfactory, still on the whole the best rule would be) to be guided by the estimation of the services at the time they were performed—to look back to the records of those days, and to give a medal to every officer and soldier where, according to the practice of that day, a medal was given to the superior officer only. In the Navy it was found that medals were not given so extensively as in the Army, and different rules were suggested by the committee of naval officers who considered the subject. According to the plan on which the medal was distributed, there were many services to which the noble Duke had adverted, of very great use, excluded, and more especially the expedition to Egypt. He believed, considering the difficulties to be struggled with, the manner in which the expedition was conducted, and the glorious success with which it was finally crowned, there was nothing that did more honour to the British arms. Whether any alteration in the rule could be made without leading to the indiscriminate extension of the medal to which he had adverted, that would include the services in Egypt, had been again brought under the consideration of Her Majesty's Government, and was not yet decided. He must say that this was a question to be considered with a good deal of care. It would not do to take any course that would lead to that indiscriminate distribution of those medals that would deprive them of their just value, for the value of any distinction of the kind depended entirely on the discrimination with which it was bestowed. If it were given in profusion, and without proper consideration of the grounds on which it was bestowed, it would very soon cease to be of any value at all. It was because they had hitherto been given in this country with so much discrimination, that they possessed so much value. All he would say was, that the subject should be well considered by Her Majesty's Government, with a view, if possible, to adopt a general rule, by which particular services could be recognised without any of those inconveniences.

The Duke of WELLINGTON said, it appeared to him that the measure that was adopted by the Order of 1847 was exactly that which was desired by those to whom this distinction ought to be granted. The complaint originally was, that a medal had been granted for the services performed in Flanders—at Waterloo—and that a medal was, on the same plan, subsequently granted for services performed in the East Indies; but that such medal was not granted to those who had served in the army in the Peninsula; and certainly, when Her Majesty was graciously pleased to consent to confer distinctions upon those officers and soldiers, he (the Duke of Wellington) considered that the very line adopted—that is to say, granting medals to those who had been engaged in services which had been already held deserving of commemoration by the estimation in which those services were held at the time when they were performed—was a measure that would give satisfaction to all concerned. Their Lordships must observe that it was the Crown that conferred these distinctions, and they were valuable because they were conferred by the Crown; and whatever officers and soldiers might feel at receiving the approbation of that and the other House of Parliament, it was not that House or the other House of Parliament that created the value of this distinction—it was its being conferred by the Crown. Those who had the honour of advising the Sovereign on such a subject as this, must find out the means of discovering the services which were performed thirty, forty, fifty years ago, and which were at that time most highly considered, and most particularly by the Crown, as deserving its approbation, and the honour of being commemorated. That was the ground on which Her Majesty's servants must have considered it their duty to advise Her Majesty; and he (the Duke of Wellington) really must say that he always considered that the advice which they gave was most likely to be satisfactory to those upon whom the honour was to be conferred. It might be right to extend the principle further; but with respect to individual cases, it would be quite impossible for Her Majesty's Ministers to advise the Crown to adopt any principle except that adverted to by the noble Secretary of State, namely, to grant a medal to every individual who happened to be employed on foreign service during the war. But would any man feel any distinction in such a grant? Certainly not. The distinction would be accepted, and might be worn; but no man would feel satisfaction in being distinguished for nothing except that he served abroad during the war. In each of the cases where medals were given, the Sovereign had pursued, by the advice of Her Ministers, the order which directed that these services should have been commemorated by striking medals, and giving one of each to the principal officers; and according to that rule every individual who was present in the same campaign, and received that mark of distinction from the Sovereign, must derive satisfaction from it. He would not say that those who were wounded did not deserve any distinction that could be given to them; but the principle of rewarding men with medals merely because they had been wounded, was a principle not hitherto acted on. There were many wounded men in this country long before the year 1794; but it was never proposed to reward them by distinctions on account of their wounds. He felt for those men, and desired to see them properly considered; but what he wanted now to say was, that it was not usual to grant them medals. No distinction of that sort could be granted, unless regularly recommended to the Sovereign, for services performed twenty-five or fifty years ago; and he did not see how that could be done otherwise than by the general rules established in 1847.

Lord COLCHESTER thought the medals ought to be given in all cases in which the parties engaged had received the thanks of Parliament. The noble Lord the Secretary of State had said it was under the consideration of the Government as to whether the rule might not further be extended; and that, he (Lord Colchester) conceived, was an extension of the rule that might be granted. There were several services of great importance, and well known, which were excluded. For example, there was the storming of Monte Video, being a joint expedition of the Army and Navy; and there was likewise the expedition to Copenhagen.

The Duke of RICHMOND wished it to be understood that he asked for medals, and not for orders, for the Army and Navy. He contended that for such services as he had referred to, the thanks of the Parliament were not sufficient. Why did they allow the colours of the regiments to be emblazoned with the names of the actions, if they did not think them worthy of the honour? Why was it said, when colours were presented to a regiment, "These are the actions in which the regiment was engaged, on the colours; see what the men belonging to the regiment did heretofore; do you hereafter emulate their fame." They should, he submitted, give a medal to every man who served in the actions emblazoned on the colours. He did not understand that his noble Friend opposite (Earl Grey) was totally disinclined to accede to his proposition; and if he would permit, he would send him a paper drawn up with considerable care, and showing the justice of the case, and the services that have been performed. He hoped the noble Lord would have no objection to grant the return.

Earl GREY was understood to signify assent.

Returns ordered.

TITLES OF RELIGIOUS CONGREGATIONS (SCOTLAND) BILL.

House in Committee, according to order.

Lord REDESDALE said, he had spoken with several influential persons belonging to Scotland on the subject of this Bill; and as there was no urgent necessity of any kind calling for the measure, he earnestly hoped the noble and learned Lord (Lord Campbell) would not insist on pressing it forward this Session.

Lord CAMPBELL said, there could not possibly be any objection to this Bill, and therefore he hoped the noble Lord would not oppose its progress. It was well understood that in Scotland the Bill was approved of by all religious congregations.

The **Earl of ABERDEEN** saw no necessity for pressing this Bill through with such haste at the end of the Session. The noble and learned Lord (Lord Campbell) said there could be no objection to this Bill; but with the greatest respect for the ability and learning of the noble Lord, he (the Earl of Aberdeen) must say, he could not confide in him, or any other learned Lord in that House, on a question where the law of Scotland was concerned; first, because they must be ignorant of the law of Scotland; and, next, because they were sure to show partiality.

Lord CAMPBELL said, the noble and learned Lord (Lord Brougham, as we understood), whose opinion, although he was not then present, was always deserving of respect, had had the object of the Bill explained to him, and declared himself perfectly satisfied with it; and the Lord Advocate of Scotland, who surely had some acquaintance with the law of Scotland, also approved of the Bill. The effect, and only effect, of this Bill was simply this—that whereas, at present, on the death of a trustee, there must be great delay, expense, embarrassment, and often long and expensive litigation, before a new set of trustees could be constituted, by this Bill that necessity was obviated; and when the conveyance was once made, the property remained in these trustees *in secula seculorum.*

Bill reported, without amendment.

Lord CAMPBELL then moved that the Bill be read a third time To-morrow.

Lord REDESDALE moved, as an Amendment, that the Bill be read a third time that day three months.

On Question that "To-morrow" stand part of the Motion,

House divided:—Contents 17; Not-Contents 23: Majority 6.

Resolved in the *Negative;* Bill to be read 3^a on this day three months.

POOR RELIEF (IRELAND) BILL.

Order of the Day for receiving the Report of the Amendment read. Amendments reported accordingly.

Clause 8, which provided that rent-charges, by way of annuity and jointure, should be made liable to deductions for poor-rate having been proposed, was struck out.

On Clause 10,

Lord STANLEY said, as the clause had been disposed of, he was only anxious that the Bill should be made as generally useful as possible. He wished to call their Lordships' attention to this clause, which provided that occupiers should not deduct from the rent more than one-half the amount of the rate paid. The Poor Law Act provided that where the person occupying any property rated to the relief of the poor shall be liable to pay rent in respect of the same, he might deduct from the rent one-half of the rate paid in respect of each pound of the net annual value (whether such rent shall be greater or less than such annual value), and so in proportion for any less sum than a pound. That was the enactment proposed to be amended by this clause. He wished to know whether the terms of the clause applied only to the immediate occupiers or to the intermediate lessees.

The Marquess of CLANRICARDE referred, in explanation, to the 17th and 57th Sections of the first Irish Poor Law Act (1 & 2 Vict., c. 56).

Clause agreed to.

On Clause 11,

Lord MONTEAGLE submitted the Amendments of which he had given notice—first, that all orders made by the Poor Law Commissioners for the subdivision of unions and the establishment of new unions of a smaller size, and therefore better suited for the effectual relief of the poor, and for erecting or providing additional workhouses therein, together with any similar orders for new arrangements made in relation to the area of electoral divisions, with the view of reducing such area, and adopting, as far as practicable, boundaries more generally conterminous with property, shall be included in the reports of the Poor Law Commissioners, and be laid annually before Parliament. The noble Lord observed that the Poor Law Commissioners' powers were most despotic, and his object was to let their Lordships and the public see how those powers were exercised. The next Amendment was that it should be lawful for the Poor Law Commissioners, upon the request of one-third of the guardians of any union, to appoint one fitting and proper person to act as resident guardian, for the unions so applying, in the execution of the duty of guardian for the union to which he may be appointed, in the same manner, in all respects, as if such resident assistant-guardian were an *ex-officio* guardian or elected guardian for such union; and that the Poor Law Commissioners should be authorised to remove such assistant guardian, and to appoint another from time to time, and, if they should think fit, to discontinue such appointment altogether whenever they considered it expedient to do so.

The Earl of MINTO said, the great objection he felt to the proposition of the noble Baron (Lord Monteagle) was, that it cast unequivocal reflections upon the Poor Law Commissioners in Ireland. He could not willingly be a party to any such imputations on that most meritorious class of public servants.

Lord MONTEAGLE said, it was because he could not trust the Poor Law Commissioners, nor other parties acting under their immediate authority, but really not under their effective control, that he must press this Amendment. It was of the highest consequence that these assistant guardians should be reappointed.

The Marquess of CLANRICARDE could not understand the ground of his noble Friend's reluctance to confide in the Poor Law Commissioners with regard to any objects coming within the scope of this clause. His noble Friend would be the first to admit the practical fact, that in the general working of the Bill it was not possible to dispense with that degree of trust in the parties in question for the due discharge of their very responsible duties which he seemed so unwilling to concede in this particular instance.

Amendment, with a verbal alteration, substituting the words "board of guardians" in lieu of "a majority of the board of guardians," passed.

Several other Amendments were then proposed by Lord Monteagle and other noble Lords, some of which were adopted, and the Bill passed through the Committee.

Bill to be read 3ª To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 23, 1849.

Minutes.] Public Bills.—1° Slave Trade (Persian Gulf); Admiralty Jurisdiction in the Colonies.

2° Consolidated Fund; Treasury Instruments; House of Lords Costs Taxation; Metropolitan Sewers.

Reported.—Cruelty to Animals; Protection of Women; New Forest and Waltham Forest; Pilotage; General Board of Health; Drainage of Lands; Defects in Leases Suspension.

3° Poor Law Union Charges Act Amendment; Collection of Rates (Dublin); Dublin Improvement (No. 2); Attachments, Courts of Record (Ireland).

Petitions Presented. By Mr. William Evans, from Holbrook, for Universal Suffrage.—By Captain Dawson, from the Synod of Armagh and Monaghan, for the Clergy Relief Bill.—By Mr. Baring Wall, from several Places, against, and by Lord Nugent, from Lambeth, in favour of, the Sunday Trading (Metropolis) Bill.—By Mr. Edward Ellice, from Anstruther, against the Sunday Travelling on Railways Bill; also from Cupar, for a Uniform Rate of Postage between Great Britain and the Colonies; and from St. Andrew's, for Inquiry respecting the Roads and Bridges of Scotland.—By Mr. Aglionby, from Shareholders in the Lancaster and Preston Junction Railway Company, for the Postponement of the Audit of Railway Accounts Bill.—By Viscount Ebrington, from Plymouth, for the Bankrupt Law Consolidation Bill.—By Mr. Bouverie, from Anstruther, for Repeal of the Game Laws.—From Charles Wye Williams, for an Alteration of the Pilotage Bill.—By Mr. Brotherton, from Manchester, for an Alteration of the Poor Law Union Charges Act Amendment Bill.—By Lord John Hay, from Windsor, for the Protection of Women Bill.—By Mr. Parker, from Sheffield, for an Alteration of the Sale of Beer Act.—By Mr. G. Cavendish, from Glossop, complaining of the Number of Toll-bars and Side-gates on the Turnpike Road from Stockport to Thornsett.

STATE OF IRELAND.

Mr. HORSMAN: The Session was drawing to a close—the year's legislation was about to terminate—and the question that naturally occurred to them all, in reviewing the six months' labours was, "what have we done for Ireland?" Ireland had been truly described as one adjourned debate. The discussions on it have been prolonged—in what had they resulted? Their legislation had been active—what had it produced? They found Ireland prostrate in February—had they raised her in July? Her condition was one almost of despair when they assembled—was it one of hope as they dispersed? For the healing of her many wounds—for a lasting supply of her many wants — for an enduring amelioration of her unparalleled wretchedness, what had they, after all, accomplished? That question would be put to Irish representatives who were about to recross the Channel; it was one which the representatives of England, also, to whom Ireland was chained, even if she became a corpse, must sooner or later answer to their constituencies, and their own conscience. He would endeavour to answer it not by opinions but facts. At the commencement of the year the state of Ireland was one of increasing distress. She was entering on the aggravated trials of a fourth year of famine. All her social state was disorganised; the ruin in some districts was so complete that 60 per cent of the population were receiving relief—the burden of that relief had broken down those who had to pay it. While the landlords were ruined, the tenants absconded, and their lands were left waste. With the rents of the landlords had vanished the means of employment; and with no means of employment there was no produce from the soil. Pauperism increased as the means of supporting it diminished; and the evils of famine perpetuated themselves in new and aggravated forms. The moral contamination of the workhouses, as described by Mr. Twisleton—the demoralised condition of their flocks, as lamented by the Roman Catholic priests—the extent to which workhouses were now becoming a refuge for deserted women and children—pointed out by Captain Kennedy, as evidence of the weakening of all natural affections in families—was not new to the House; he had himself, on former occasions, dwelt upon it. Colonel Clarke says before the Committee—

> "One of the most wretched features of the times is the wretched and emaciated appearance of the children. They come into the workhouse clothed with rags, and they die very commonly within twenty-four hours after their admission."
>
> "The physical condition of the labourers," (says Mr. Bourke,) "is so reduced that except from the sons of the wealthier farmers you cannot find a man of such physical strength as in any other part of the world you would select to perform any amount of agricultural labour."

But the suffering is not confined to the poor.

> "It is notorious," (says Mr. O'Shaughnessy,) "that owing to the general depreciation of property and the distress, the attendance of magistrates in the discharge of their ordinary functions is rendered impossible; and if the present state of things continues, we shall have no magistracy to discharge the duties of the court. Similar inconvenience will arise with respect to the holding of petty sessions—the attendance of grand juries and the performance of other civil duties. . . . . Every institution—every public officer—every contractor, and all Government debts are unpaid."
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> "In some instances," (says Count Strzelecki,) "where priests were confined with fever, I found nothing in their cabins—nothing available beyond stirabout for their own sustenance—no tea, no sugar—no provision whatever. In some of their huts the wind blew—the snow came in, and the rain dripped; and they were undergoing distress as great as that suffered by any of the poor people: there was no difference between them."

And he concluded by adding—

> "No records of mortality have been kept. Still the painful and frequent occurrence of corpses in the streets and on the great roads stamps that distress with a severity far exceeding that which accompanied and resulted from the great famine in Tuscany in 1346-7-9 as narrated by Sismondi."

Such were the statements as to the ruin, and misery, and death, and demoralisation worse than death, going on in Ireland. Crime had multiplied enormously; but, though there was the criminal, where was the judge?—himself a fugitive from justice. And there was the death-bed—but where was the priest? Alas! hunger had made no exceptions — pauper and priest were dying one death, and without rites were huddled into one grave. The members of the Society of Friends had lately published an address to the British public, giving this picture of Ireland:—

> "The paupers are merely kept alive in crowded workhouses, or in alarming numbers depending on outdoor relief. Their health is not maintained—their physical strength is weakened—their moral character is degraded—hopeless themselves they offer no hope to the country except in the prospect—abhorrent to human nature and Christian feeling—of their gradual extinction by death. Many families are now suffering extreme distress who three years ago enjoyed all the comforts and refinements of life, and administered to the necessities of those around them. Thus we have seen

the flood of pauperism widening more and more — engulphing one class after another — rising higher and higher in its effects on society until it threatens, in some of the worst districts, to swallow up all ranks and classes in its fatal vortex."

Such were the facts and such the prospect published to the world by men who were not to be suspected of exaggeration; and who had themselves witnessed and alleviated as far as they could what they described as passing among our own people within a few hours' distance of the richest metropolis in the world. He made no apology for once more dwelling on this picture of ruin, wearisome and distasteful as he knew it might be to the House; but he wished now, while there was no escape from the facts, to give Parliament no escape from that which had hitherto been evaded, an investigation of the cause. And if the true cause were recognised, he did not despair of a remedy, even at the eleventh hour. And he could imagine that some Gentlemen were surprised when he proposed to investigate the cause; for to careless eyes, that did not look beneath the surface of things, the cause was plain enough—"The famine to be sure," they said; "every one knew the famine had done it all: the poor-law was working capitally till the famine came; but under that unexpected pressure, of course it broke down. But we have propped it effectually," they add, "by maximums and rate in aid; and when the famine is over—and it cannot last for ever—all will be right again." And some there were, who, regarding the potato failure as the cause of all the misery, looked to its revival as the cure for all. Now, it was this superficial view of the matter which had reconciled them to the legislation of the present Session. He denied that the famine had caused the disasters which they had been deploring—the famine no more caused the poor-law to break down, than a storm causes the sinking of a leaky ship which put to sea with a cargo far beyond her tonnage. Bad legislation, careless legislation, criminal legislation had been the cause of all. Their poor-law was from the first a rotten poor-law. And then they applied it to purposes, and made it carry a burden, which a poor-law was never meant to bear. Every thing which occurred since had been foretold, with the distinctness of history rather than prophecy: every subsequent catastrophe had but confirmed the truth of principles which they had acknowledged only to disregard, and the unerring wisdom of an experience which had already taught them lessons, that in the case of Ireland it was convenient to forget. They had determined, in 1837, to establish the poor-law in Ireland. He would not then stop to ask whether Ireland was fitted to receive it. The question had been considered by various Committees and Commissioners, since the commencement of the present century, and all had decided against it. The Archbishop of Dublin's Commission, in 1836, took the same view. Mr. Nicholl, to whom the question was next referred, only sanctioned it if accompanied by other aids and securities which had been entirely neglected. Yet, in 1837, Parliament determined to hazard the experiment, and in direct opposition to every authority on the subject—for what was then the condition of Ireland? Of a population of eight millions, there were (as the Archbishop of Dublin's Commission stated) no less than two millions three hundred thousand for the greater part of the year out of work and in distress. And such was their physical prostration, that in the four poorest counties, the average duration of life for the ten years preceding the famine, was twenty-six years. Now, without taking into account the notorious insolvency of many of the class above, was it not evident that a population so in excess of the means of employment, must ever have been on the brink of some great convulsion? Was that convulsion at no distant period not inevitable? On the population so circumstanced the famine fell — and Parliament, at the outset affording to be just, fully acknowledged that a poor-law bore no relation whatever to a famine, and that imperial resources only should meet an imperial calamity. But the system of public relief resorted to was so mistaken and pernicious—the waste of public money so enormous—that even imperial resources could not long stand the drain. An army of 700,000 labourers; a staff of 15,000 superintendents; and an outlay of 40,000*l.* a day rapidly increasing opened the eyes, while it alarmed the pockets of the English—and then what happened? The sin of all that waste was visited on the Irish, and every prejudice was excited against them, notwithstanding the fact that the Irish gentry were the first to protest against the outlay, to predict its mischiefs, and to hold themselves absolved from the results. But we would not hear them—we compelled them to borrow our money to be laid out as we dictated; that it should be laid out in unproductive labour was the main condition—that the country should be no better for the expenditure. And though the gentry had complained, though protests and remonstrances were sent up from the provinces—though a meeting of 700 of them was advertised to take place in Dublin—when at last their predictions were verified, and we were compelled to abandon an expenditure which judiciously laid out would have blessed Ireland for years to come, the whole blame was cast on those who alone were not responsible: we reproached them with our munificence and their ingratitude, and excited against them a prejudice on which our Parliamentary majority has traded ever since. And exaggeration had not been wanting to aggravate injustice. England had given 10,000,000*l.* (it was constantly said) to these ungrateful Irish. England had done no such thing. She lent about that sum, and on these strange terms, that the borrower was to have no control over the money: he was compelled to take it against his wish, to be laid out against his interest. Subsequently 4,000,000*l.* of this debt was remitted. And in the same year in which we boast of this magnificent donation from the imperial exchequer to save a nation from starving, we had authorised the outlay of no less than 260,000,000*l.* in railways. Now, he attached much importance to this history of the relief works, as furnishing the key to their subsequent legislation. It was the prejudice created on the English mind by that disgraceful system which prepared Parliament for any measures, and reconciled the country to any legislation which the Ministry might propose. Accordingly, Parliament, in 1847, under the influence of this feeling, England, weary and impatient of Ireland, and not disposed to keep any terms with a nation whose pauperism was so insatiable, and character so irreclaimable, retracted its first just decision, that the poor-law was not applicable to a famine. The cry of Irish property sustaining Irish poverty was again got up, and by its aid the Extension Act of 1847 was passed—an Act which, he repeated, had its origin in the disgust previously created by the relief works, and for its consequence those wide-spread calamities which they were then deploring. Now, with respect to that Act of 1847, which was passed against all principle, to satisfy the clamours of the press, as an easy solution to incompetent statesmen, who dared not go to the bottom of the subject—as a sop to the English public, at the cost of unpopular Irish landlords—and, above all, as a peace-offering to English selfishness, by telling it that in future the Irish should maintain their own poor—of that Act he would only say, that he had studied with some care the history of our Irish legislation; he knew something of the folly and cruelty of past days; but, taking into account the character of their own times, the opportunities they enjoyed, the responsibilities they acknowledged, he thought hardly any parallel could be found for the injustice and folly of the Extension Act of 1847. It perpetrated a double injustice—it threw on the poor-law the burden of a famine, and at the same time it added to that poor-law a new provision, that of outdoor relief, which had been lately discarded in England on the express ground, as he would immediately show, that it was tending to a confiscation of property. Yet, in defiance of principle and experience, they threw this double burden on Ireland, first, of meeting a famine by a poor-law; and next, of opening a door to outdoor relief during that famine. Now, as to the first point, he begged to ask, where was there any authority for applying a poor-law to a famine? He could adduce numberless authorities against it, but he would satisfy himself with one, because it was one to which the Government, at least, could not take exception. What said their own Commissioner, Mr. Nicholl?—

> "I have always considered it to be impolitic, if not impossible, to legislate for a state of famine in any district. A famine is the consequence of the earth's ceasing to yield its produce—if there be no produce from the land, there can be no value on which to levy a poor-rate."—"There are different degrees of famine—it may be more or less continuous—and it may be more or less intense. In Ireland, it has been not only very intense, but very continuous."

And this was common sense; for the object of a poor-law being to combine administration of relief with security to property, it sought to attain that object by placing the administration of the law in the hands of those who had to bear the burden, and thus gave them the means of lightening that burden by their own prudence and economy. If humanity were the sole end of the poor-law, there was no reason why a proprietor on the spot should be taxed for the poor, any more than a proprietor at a distance. In that case, a national rate would be more equal and just in its operation than a parochial one. But reducing pauperism being equally an object with its relief, the proprietor on the spot, by giving employment, and the exercise of due vigilance and economy, can protect himself from an undue burden. The poor-law, therefore, by enabling him to foresee, and provide beforehand, for the pauperism of the district, imposed on him a burden which fell in time, was proportioned to his own good management, and so ceased to be an injustice. But a famine he could not foresee, and could not provide against—it baffled all calculations, subverted the established order of things on which legislation was built, and as the ratepayer was a fellow-sufferer with all the world, it threw on him a sudden increase of burden with as sudden a diminution of resources; and to compel him, in such a case, to support the pauperism around him, was only to compel him to become a pauper, and, by his ruin, aggravate the ruin of the district. Yet this was what they did in Ireland, and contrary to their first admissions. They punished the ratepayer for no fault of his, destroyed him for an act of Providence, and the pauper only died the more surely from the destruction of his employer. That was their first injustice. But what was to be said of their proceeding to establish that system of extensive outdoor relief which they had so lately, from an experience of its evils, condemned in England? He would show what that system had been, as described by the Minister who introduced the amended poor-law. This was the language of Lord Althorp:—

> "He had already said that the effects of the poor-laws had been injurious to the landed proprietors, injurious to the farmers, and, above all, injurious to the labouring population. He would now assert that the effect of the poor-law—he meant the present administration of the poor-law—tended directly to the destruction of all property in the country. It had been said that this would lead to an agrarian law—it would lead to worse than that—an agrarian law was the division of all property; but the present state of the poor-laws in this country tended to the destruction of all property. At present some parishes had been actually abandoned, so heavy was the pressure of the rates, and so great the evils of mismanagement. The consequence was, that the neighbouring parishes were compelled to support the poor of the deserted parishes; and they, too, would soon be reduced to a similar situation, and thus pauperism would stride with increased, and every day increasing, rapidity throughout the land."

Was that not the description given by every witness of the state of Ireland under the joint Act of their outdoor relief and their rate in aid? Such was the language of Lord Althorp in the Commons; but the organ of the same Cabinet in the House of Lords bore also his testimony. After describing, like Lord Althorp, Lord Brougham went on to say—

> "That unless the progress of this system be arrested, it must go on till we gain that precipice towards which we are hurrying with accelerated rapidity—that the circumstance of one parish being thrown out of cultivation, inevitably and immediately tends to lay three or four others waste, and that this devastation, gaining strength as it proceeds, must needs cover the land, no man who consults that body of evidence before your Lordships can entertain a shadow of a doubt."—"Stand where we are (he adds) we cannot. I might say with others, whose minds are filled with despair and the dread of coming events, that I could be content never to have things better, so I were assured they would never be worse; but this, even this wretched compromise is impossible with the frightful scourge that is ravaging our country."

He might be told that the allowance system in England was different, inasmuch as money was given to the pauper; but the principle in both cases was the same—it was, that ablebodied pauperism should be entitled to relief at the charge of the community; and whether that relief was afforded in money or bread, the effect was the same on the pocket of the ratepayer and character of the relieved. Such, then, was the ruin with which their system of indiscriminate relief threatened wealthy and prosperous England. Even the strongest constitution was not able to survive the poison, yet they administered it to the weakest, and in a moment of unwonted disease. "We have the advantage," says Lord Althorp, "in legislating on the question, that we are not now working in the dark." No; they had the light of experience. Why was Ireland excluded specially from the benefits of that light? Had they no warning? What said Mr. Senior? These were the words: "I believe that by the system of outdoor relief, all the evils produced in England in 300 years, would be produced in Ireland in ten." "Would you conceive," he is asked, "that in that case the poor-law so operating would be a heavy burden on the land?" "It would be an entire confiscation." And Mr. Gulson, also much experienced in the poor-law, said, "I have no hesitation in expressing my decided opinion that any thing approaching to outdoor relief in Ireland would very soon swamp the whole property of the country." And what was the fact? Was it not so swamped? The net rental of Ireland before the famine was 6,000,000*l.*, according to the

Archbishop of Dublin's communication—6,000,000*l.* before the famine—and yet 1,600,000*l.*, or more than one-fourth of the net rental of the country even in its better days, was collected last year for the poor—not all paid, indeed, by the land, as the towns contributed, though in a small proportion—yet 1,600,000*l.* was collected, the net rental having been at the outset 6,000,000*l.*, and that every day diminishing, destitution spreading, many landlords having received no rents since the famine, and the loss of agricultural produce in those years exceeding the whole net rental of the country for the same period. Were Lord Althorp, Lord Brougham, Mr. Senior, and Mr. Gulson not borne out in saying that a poor-law, in such circumstances, must result in a confiscation of property? Were his friends around him to be accused of exaggeration when they said that it was now producing confiscation? Now, he had dwelt at great length on these points, but it was important to know how they had arrived at their present unhappy condition. He wished to show that at the outset, Parliament, when there was no pressure, had the virtue to affirm sound principles of poor-law—it acknowledged that a poor-law was not calculated for a famine, and that outdoor relief would result in confiscation; but when the enormous waste on the relief works, which was our doing, had irritated the public of this country, Parliament then took advantage of English prejudice and Irish helplessness, and as the easiest solution of their own difficulties—the readiest cloak for their own deficiencies—in violation of all principle, they inflicted upon the Irish deliberately all those evils which experience had taught them to fly from in England, and which every authority warned them must be even more rapidly fatal to Ireland. And now it was said that it was all the famine, when the evils were predicted before famine was thought of, and experienced in England when famine was unknown. He thought, then, he had succeeded in showing that famine had only been so far the cause of the present misery in Ireland as it led to the legislation which had produced the most deplorable results. The question arose, what were they to do now? The necessity for legislative interposition was acknowledged at the commencement of the Session; but Parliament determined, with a wholesome distrust of its own incompetence, to inquire as well as legislate. But with the propensity to blunder which has signalised its Irish policy, it legislated first and inquired afterwards. Then the inquiry proved that the legislation was all wrong—that maximums and rates in aid were all stale devices, long ago tried and condemned in England, but exported, like damaged wares, to an inferior market, as not suited to fastidious England, but quite good enough for Ireland. Nevertheless, the evidence taken on that inquiry was too valuable to be lost; and though those whose inaction it rebuked, and incapacity it exposed, might desire to put it out of sight, it was too precious a textbook for Irish legislators to be so lightly treated—its causes and its cure for existing evils were the groundwork of his Motion. Let them examine first the real extent of the ruin they had practically to deal with; and let him simplify this by taking a single union in illustration. In Ballina they would find a compendium of all the difficulties under which the distressed unions were suffering, and he would take Ballina as a specimen of their general state. And he selected Ballina because they were familiar with it as the one which the Chancellor of the Exchequer quoted as showing signs of improvement. In Ballina the population was 120,000, and the distress had been so great that Mr. Hamilton, the poor-law inspector, said, "That in the whole district a robust healthy looking man is rarely to be met with."

The expenditure last year was......	£52,282
The rate collected........................	10,677
The debt to contractors by last distress papers	20,000
The estimated expenses for seven months, ending October 1, 1849 ...	48,000
Total, debts and expenses on October 1	68,000
Estimated expenses being per month	4,000

That was the financial condition of the union. "Of fifty-one proprietors in the Erris district," says Mr. Crampton, "only thirteen are not pauper." "Eighteen estates exclusive of the Erris district," says Mr. Inspector Hamilton, "are in the hands of receivers." "Many of the most active magistrates," says Colonel Knox Gore, "are in gaol or in hiding." "A considerable portion of the union has been unproductive for three years in the miserable barony of Erris," says Mr. Crampton; "49-50ths of the land has been lying waste for two years." During that period no rents paid; and tenants gone off with their capital to America. "I would not take an estate for nothing," says Colonel Knox Gore, "with the present set of proprietors—a complete change is necessary."

Now, it was obvious that with this state of things existing in March, any one telling the Chancellor of the Exchequer of improvement in April, must have been trifling with him. They were all permanent and deep-seated difficulties—proprietors getting no rents—lands untilled—tenants absconding—enormous expenditure—increasing debt—in no one respect could there be improvement without the introduction of capital and employment—and both were yet wanting. Such was the state of Ballina, and, though in a somewhat less degree, of the distressed unions generally. Now, for the long-standing cause of it, as described by Mr. Nicholls, it dated farther back than the famine. "Ireland is now suffering"—he wrote when the poor-law was being introduced—"under a circle of evils producing and reproducing one another: want of capital produces want of employment—want of employment turbulence and misery—turbulence and misery insecurity—insecurity prevents the introduction or accumulation of capital; and so on, until the circle is broken, the evil must continue and probably augment. The first thing to be done is to give security—that will produce or invite capital, and capital will give employment. But security of persons and property cannot coexist with general destitution." On that last paragraph he took his stand: that was the truth which he wished to drive into the ears of Her Majesty's Government, and which both they and Parliament had forgotten in their legislation—it was written previous to the famine. Security of person and property could never coexist with general destitution, and general destitution was now the distinctive character of Ireland. How, again, had that general destitution been perpetuated and promoted? The answer was easy. By a bad agriculture—by the too general cultivation of the potato—by a system which, teaching the poor man to depend on land rather than wages for his support, and on earning his daily bread not by his daily labour, left him half the year in idleness—which became the parent of turbulence and misery: adding idleness to pauperism it superadded recklessness and crime to idleness; and, giving to the gentry a fictitious wealth, and to the labourer a precarious food, it entailed on the country a ceaseless insecurity under the alternations of famine and insurrection. It was from this accumulation of ills—the growth of ages—that every English statesman turned in despair. They were beyond man's strength to cope with—and man's genius must fail in the endeavour. But what human agency could not achieve, the providence of God, in an unexpected moment, stepped in to deal with. As suddenly almost as the plague smote Egypt, did the scourge from Heaven smite Ireland: it smote that which was at once man's reliance and his curse—the source of his misery and the parent of his crime; and, passing like a destroying angel over the land, falling heavily on man and beast. It bade the old pass away, and the finger of God pointed the British statesman to Ireland, and bade him, under happier auspices, build up the new. They arrived then at a correct diagnosis of the disease—pauperism, hatched and nurtured by exclusive reliance on the potato, had been the social curse of Ireland. By the interposition of Providence, that curse had been for the time abated. Be it their task to discourage its arrival. It might be that their powers were limited—that they must still endure it as an evil; but let it be so regarded. But if any man cling to it as a hope and a desire for Ireland—as an extrication from difficulties, and a cure for present sufferings, he said he was a mistaken man. Sooner than that the potato should again become the life and soul of Irish agriculture—if there were no alternative but its destruction, or a return to the old pernicious state of things—if he were compelled to make a choice between those two evils, he should prefer the utter extermination of the potato now and for ever as the least evil of the two. But if a better agriculture were substituted, there was this difficulty—one acre of potato would give as much sustenance as three acres of cereal produce; and if Ireland was already over-populous with a potato culture, what must she be when the sustenance from the land was reduced two-thirds? Must not pauperism be greatly increased; and could their poor-law sustain this additional burden? Of course it could not; nor could it ever sustain the burden which was prepared for it from the first. Every day's experience only confirmed the fact, that Ireland had not undergone the necessary preparation for a poor-law—that she was not fitted for it when it was placed upon her—and that without the accompaniments recommended by Mr. Nicholls, it must have broken down. It was admitted, that in many of the districts of Ireland, the population was excessive—that it was out of all proportion to the means of employment. When that was the case, the natural relations of capital to population were not to be restored by a poor-law; for the action of a poor-law was permanent—it dealt with habits—established certain sentiments—and so tended to ruin; for to tell a population in great excess that the law guaranteed food for any number that might be bred and reared, constituted the peculiar vice of Socialism—the attempt to maintain large unproductive masses of able-bodied men at the cost of the remainder of the community. A population in great excess must do one of two things—it must be got rid of by death and emigration, or it must ruin the country. This last was the process actually going on in Ireland—only the demands on it were so overwhelming that even the poor-law was unable to avert the other calamity, namely, the destruction of the people by famine. But still the truth remains—a population greatly in excess of employment could only be dealt with as he had said: it could not be absorbed by independent labour. When healthy and self-supporting employment was the normal state of a country, a poor-law was justifiable; but it was not justifiable as the agent for effecting the transition. These were the principles acknowledged by Mr. Nicholls, when the poor-law was projected for Ireland: a diminution of pauperism, he told them, was essential to the safe working of the new law, and that diminution was to be achieved in two ways—by additional capital increasing the demand for labour—by diminished population reducing the supply of labour; and both these operations he insisted on as an essential accompaniment of the poor-law—but both had been neglected to this day. The first of these, the increased demand for labour, might be created either by old proprietors laying out more capital in improvements, or new proprietors being induced to come in and purchase and employ; and Parliament had in the present Session affected to give facilities to both these classes of proprietors. But Mr. Hamilton of St. Ernans, one of the most spirited proprietors in Ireland, told the Committee that he had laid out a great deal of money from loans under the Land Improvement Act; and after incurring an expense of 15*l.* an acre, he could not let an inch—tenants were not to be got, he said, and landlords around him would no longer take loans or lay out money, because they were liable to unlimited poor-rates. Other witnesses of great intelligence and experience told the same story; and the same fear which deterred them from improving, would of course deter prudent capitalists from buying. Before a prudent man would lay out a sixpence in purchasing or improving, they must secure him limited liability for poor-rates, and towards that limited liability they had not yet progressed one step. He did not want now to rediscuss the maximum, but would remind them of the fact, that the maximum was tried under great advantages in England, and failed. And was it not obvious that, if they could not retain a maximum in England, they had still less chance of maintaining it against the flood of pauperism in Ireland? But even if they could, there stood the fact—sixty-three per cent were paupers in some of those unions: how was it possible to have a legal limit with unlimited pauperism? What capitalist would settle in a population of which sixty-three per cent were paupers? In the misery, the lawlessness, the insecurity of such a population, he incurred risks and losses far greater than those against which a maximum would secure him. He repeated, therefore, that as regarded limited liability, which was essential to purchasers and improvers, the legislation of the Session had left it yet to be discovered. But, again, Mr. Nicholls said, that they must not only increase capital, but diminish the supply of labour; and this was proved especially by the state of the Kenmare union. The pauperism was excessive, but the proprietors all rich. Mr. Orpen said, that Lord Lansdowne, Mr. Hartopp, and Mr. Mahony were all affluent—no change of proprietors would do good there—and yet it was impossible to employ the population. Emigration, then, as recommended by Mr. Nicholls, was their only resource. And here he could not help expressing his astonishment that another year should have been suffered to pass by without a system of emigration having been insisted on by Parliament. Every Committee on the affairs of Ireland in 1822-3-4-5-6-7—1830-36-37-42-46, had strongly pressed it. "I cannot expect," said Mr. Bourke, "any permanent improvement in those unions without emigration being used as an auxiliary to other measures." "I believe there are only three alternatives," Mr. Bourke adds, "sending food or money to the people—sending them where they can get food or money—or allowing them to die." At the introduction of the poor-law it was understood to be a necessary accompaniment, and shortly before its introduction the present Secretary of State for the Colonies, then the organ of the Colonial Office in this House, thus expressed himself:—

> "Before any measure could be introduced for the permanent relief of the poor of Ireland, it would be absolutely necessary to relieve that country from its superabundant population. The transfer of our superabundant labourers to the colonies would be equally beneficial to all parties; to the labourers, by diminishing the overwhelming competition under which they now suffer; to the settler, by affording him the means of cultivating his land; and both to this country and to the colonies, by relieving much of the distress now existing in the former, and by adding to the productive industry of the latter."

And subsequently, in 1845, he stated—

> "He thought it of the greatest importance that emigration should be encouraged to a much greater extent than at present, and he believed it was in the power of Her Majesty's Ministers to take measures that would give much greater extension to the system than it now possessed."

But this was not an Irish question; it touched them, let him say, very nearly at home; the Irish pauper would not stay at home, the question was between his emigrating to the colonies or to England. "The tendency of the existing state of things," said Mr. Kincaid, "is to promote to an enormous extent the immigration of the Irish poor into this country." "That migration of Irish labour," said Mr. Nicholls, "into this country is productive of serious mischiefs in various ways, tending to lower wages, and ultimately to force the habits of the labouring classes in England, to the lower level of the Irish labourer." The Committee of 1820 said—

> "The question of emigration from Ireland is decided by the population itself; and that which remains for the Legislature to decide is, whether it shall be turned to the improvement of the British North American colonies, or whether it shall be suffered and encouraged to take that which will be and is its inevitable course, to deluge Great Britain with poverty and wretchedness, and gradually, but certainly, to equalise the state of the English and Irish peasantry. Two different rates of wages, and two different conditions of the labouring classes, cannot permanently coexist. One of two results appears to be inevitable: the Irish population must be raised towards the standard of the English, or the English depressed towards that of the Irish. The question whether an extensive plan of emigration shall or shall not be adopted, appears to your Committee to resolve itself into the simple point, whether the wheat-fed population of Great Britain shall or shall not be supplanted by the potato-fed population of Ireland."

Well, then, they had in Ireland an enormously redundant population wanting food—they had in the colonies magnificent fields of industry and enterprise seeking labour. "At no time," says the Legislative Council of New South Wales, "has there been so great, so urgent, so pressing a demand for labour as at the present moment." "The desire to emigrate from Ireland is intense," said Mr. Fairfield, "everybody who can get out of the country is trying to do so." And yet while the cost of an emigrant does not exceed a year's keep in the workhouse—while he is starving in Ireland—and his labour would be a source of wealth to them abroad—while the supply of labour to the colonies would add to their wealth, and create new markets for their manufactures—while if slavery was permitted, they would have Ireland full of dealers, greedily competing for those men who, as Mr. De Vere told them, were in many parts of the country dying like rotten sheep—while the fact which he dwelt on could not be denied, that if emigration had been undertaken in a right spirit two years ago, many thousands would have been now happy and thriving in the colonies who are now in their graves in Mayo—with all these inducements on the score of economy—policy and selfishness even more than humanity—England still obstinately and stupidly set herself against systematic emigration, and had to pay for that folly sums uncountable, not only in the burden directly thrown upon herself, and in the loss of the markets which she might establish; but, in spite of her immense wealth, her vast empire, her unbounded resources, and unexampled contributions of money, she was compelled to see Ireland ruined in all her classes, and a destruction of life absolutely unparalleled except by the direct invasion of pestilence. Was there ever such waste—such blindness—such crime? He would not stop for a moment to discuss the fallacy of voluntary emigration being stopped by systematic. It was notorious that it was the men of capital who were now being scared away from Ireland; precisely the men went whom they wished to stay, and those stayed whom they wished to go. And Mr. Hamilton of St. Ernans states a remarkable fact—that finding that several of his tenantry were about to emigrate, he raised a sum of money and emigrated a large number of paupers: his tenants then stayed, and he felt it more for his interest that the paupers should be exported at his expense, than the tenants should emigrate at their own. Now, the proprietors of Ireland were quite ready to set about the work of emigration in earnest —what proportion of the expense should be defrayed by them was still a question for consideration; but they were ready to originate it at their own expense, and in the same manner as they paid for other improvements on their estates. "A debt contracted for such a purpose," said Mr. C. Buller, in his remarkable speech on emigration, "is not unproductive waste of capital—it is rather to be compared to the debts which wise landlords often deliberately incur for improving the value of their estates." "It is as necessary to drain off the surplus population," says Mr. V. Stewart, "as to drain off the surplus water, and both should be done by the same means." Then the proprietors were as ready to undertake this as to undertake every other improvement on their estates; but for the outlay of capital they must again have the security of limited liability for poor-rates. Without limited liability, no purchasing—no improving—no employing —no loans—no emigration. Without limited liability the Incumbered Estates Bill was a dead letter. Now, as to this, which had been acknowledged throughout the Session as the basis of all agricultural improvement, he had already said, no adequate provision had as yet been made. Every forced and artificial limit upon the rate must fail—for it was obvious that the amount of poor-rate must in the long run be determined by the amount of pauperism; and that again in the end must be paid by the district. No law could long prevent that. They might devise artificial barriers, but the flood of pauperism would bear them down. The rates of the district must pay for the pauperism of the district, and those rates could only be reduced by reducing its pauperism. They must seek, therefore, for limited liability in the only means by which it could be legitimately secured—in a healthy tone of society—in the safe action of a well-ordered poor-law, which imparted to each proprietor the interest and the ability to keep down pauperism by employment. It was to the agency of human motives and propensities that they must address themselves; the nature and habits of men were of more force than any Acts of Parliament. And this was what the Irish landlords were now asking for. There was no objection amongst them to a poor-law—quite the reverse: not one complaint through all that evidence—but they asked for a poor-law based on true principles, and capable of a sound administration. They asked for the English poor-law. Give us, they said, the amended law of England, as it now exists; not the old bad law which you yourselves discarded. And let him show how reasonable this prayer was. He had before endeavoured to prove to the House that of all the institutions of England, there was none at this moment deserving of such anxious consideration and threatening such serious evils as the poor-law. He admitted that as far as vigilant and economical administration could go, those evils were kept down; and yet year by year they were encroaching upon them to an alarming extent. If that was the case in England, it was obvious that a poor-law must be yet more perilous in Ireland —its administration more difficult—and the consequences of a defective administration more fatal. But let him show them once more, while they had been keenly alive to the dangers of a poor-law in England, in what a careless spirit they had turned them all loose on Ireland. He had already said that a country's fitness to receive a poor-law at all depended entirely on the relations between capital and population—that is, on its ability to employ its labour. Compare for a moment the capabilities of England and Ireland in that respect. England, with a population of 16,000,000, had relieved 1,500,000, on an average, since 1840; or eight per cent of the population. Ireland, with a population of 8,000,000, began her poor-law with 2,300,000 in distress and unemployed during the greater part of the year; so that while the population of England was greater than that of Ireland, the pauperism of Ireland was greater than that of England. But now for the means of each country to sustain its poor:—

The rated property of England was		£100,000,000
Ditto ditto Ireland	...	13,000,000
Unrated property of England	...	140,000,000
Ditto ditto Ireland	...	7,000,000

So that again, while the pauperism of Ireland was double that of England, the rated property of Ireland was only one-eighth that of England; and the whole property rated and unrated one-twelfth. Let them remember again that Ireland had no manufactures to absorb her surplus population—that while 46 per cent of the English population were employed in manufactures, and only 22 per cent in agriculture — in Ireland, 64 per cent were agricultural labourers, and only 18 per cent employed in manufactures. With half the population, the total number of agricultural labourers in Ireland was greater than in England; it was twice as great relatively to cultivated land, and four times as great relatively to produce. As to the relative wealth of the two countries, without troubling the House with figures or details, let him take three points of comparison from a return he held in his hand:—

The official value of English imports by a return of 1846	£66,000,000
Ditto of Ireland	2,000,000
Exports, England	53,000,000
Ditto Ireland	240,000
Revenue of England	50,000,000
Ditto Ireland	4,000,000

Taking, therefore, these most obvious and infallible guides to a comparison, as showing the means of employment in the two countries—and the means of employment were the best test of a country's ability to support a poor-law — the rated property of the two countries—the public revenue—and the commercial wealth as indicated by exports and imports—saying nothing of the condition of the landed gentry, and Mr. Butt's conjecture that one-fourth of the whole area of Ireland was under receivers—they had this fact established, that the property of Ireland—a poor and embarrassed country—had to support, under the poor-law, a greater amount of pauperism than all the property of wealthy England; and yet even wealthy and prosperous England cried out under the burden which, but for good management, must produce speedy and inevitable ruin. What then must it do in Ireland, where they had made good management impossible? A poor-law, as Lord Althorp showed in 1834, must destroy the character of the poor, and confiscate the property of the rich, unless accompanied by certain sefeguards—the two most indispensable of which were a field of healthful and independent labour, and a stringent test. In England their efforts had been directed to these two essentials; and to secure them they had concentrated their administration to some extent, and individualised responsibility by adopting for each area of taxation the smallest territorial divisions known to their law, not only taking parishes, but even subdividing the parishes into townships, hamlets, and hundreds, for poor-law purposes, where the parishes were large. Smallness of area, therefore, leading to individual responsibility, vigilant control, and economical administration, had been recognised in England as the main barrier against pauperism, as the defence of the rich, the stimulus of the poor, by instilling into one the motive to employ, and depriving the other of all facilities to fraud. The small area—the very smallest they could select—had been deliberately adopted in England as the foundation of all poor-law administration. Experience had, in the eyes of the majority, proved the necessity, the security, the wisdom of that adoption. Why did they deny that security to Ireland? Were the difficulties of administration less? the temptations to fraud fewer? the motives to economy less urgent? or the boards of guardians more capable? If common sense and all experience were in favour of small areas in England, what were the peculiar characteristics of Irish pauperism which justified their withholding such essential aids there? How stood the fact? Let him repeat what he had more than once before stated, but what could hardly be stated too often — in England, with a population of 16,000,000, but a far smaller amount of pauperism, there were 584 unions; in Ireland, only 131 unions, and Larcom's Commission proposes fifty more. In England one union to every 25,000 of population; in Ireland one union to every 61,000 of population. In England, average size of union 54,000 acres; in Ireland, average size of union 147,000 acres. England has thirty-one unions, or more than one half, under 40,000 acres; Ireland not one under 40,000 acres. England has 482 unions, or five-sixths, under 30,000 of population; Ireland has only ten, or one in thirteen, under 30,000 of population. England—average extent of parish 2,000 acres; average population 1,000: Ireland—average extent of electoral division 10,000 acres; average population 4,000. So that, while in Ireland the population was so redundant that they could not employ the ablebodied, so also were the workhouses so few, and so distant from each other, that they could not possibly apply the workhouse test. And yet in a country like Ireland, what was the tendency of a poor-law? With an idle population, interminable pauperism, and a weak administration of the law, and neither a field of independent employment nor a test, must it not, as Lord Althorp said, result in confiscation? Let them consider the character of the Irish population, without habits of industry or self-reliance—the position of the Irish gentry, the ruined and the rich so intermingled as to make all co-operation impossible — the novelty of the poor-law, and the inexperience of the boards of guardians—and then say if a poor-law in Ireland did not require to be fenced about with more precautions, if its administrators did not stand in need of far greater auxiliaries, than their law in England. He admitted freely that in England they might enlarge their areas, and he was ready to assent to their doing so. But an area of half the size in Ireland was beset with ten times the difficulty; and when the Irish proprietary implored of them to give them areas of taxation similar to their own in England — if they had asked them of half the size, it would have been a reasonable request; but when they implored of them to give them the English area, it was impossible to understand how they could refuse their prayer. Only one plausible objection had ever been made to that change. He put aside at once the expense of new workhouses; it was obvious that a poor-law assumed a test, and a test assumed workhouses, and the multiplying of workhouses, where needed, was the wisest of all economies. But they were told that small areas would encourage evictions. Now, he did not know how any Gentleman who had read the evidence and the papers laid on the table this Session, could repeat that objection; and no one who had not been at the trouble to read those papers, ought to pronounce against it —indeed, it argued a neglect of duty on his part which altogether disqualified him from giving an opinion. One would suppose, from what Gentlemen said in objecting to a reduced area, that there were no evictions in Ireland now, and that they were proposing to inflict on it an entirely new and unheard-of danger. But what said Captain Kennedy of the Kilrush union?—

> "There is a concentration of misery and suffering in Moyferta almost beyond the possibility of grappling with, and daily on the increase. . . On one estate little short of 200 houses have been tumbled down within three months, and 120 of this number, I believe, within three weeks, containing families to a greater number, many of whom are burrowing behind the ditches without the means of procuring a shelter. . . . We admitted a considerable number of paupers, among whom were some of the most appalling cases of destitution and suffering it has ever been my lot to witness. The state of most of these wretched creatures is traceable to the numerous evictions which have lately taken place, . . . The pressure, however, is coming and will continue; and this will not surprise the commissioners when I state my conviction that 1,000 cabins have been levelled in this union within a very few months. . . . . 20,000, or one-fourth of the population, are now in receipt of daily food, either in or out of the workhouse. Disease has unfortunately kept pace with destitution; and the high mortality most distressing — all aggravated by the system of wholesale evictions. . . . . I calculate that 6,000 houses have been levelled since November, and expect 500 more before July."

Such was the system now going on, and not in one union only; and Kilrush, be it observed, was one of the larger unions. But if they answered him that, bad as the system now was, reduced areas might aggravate it further, he referred them to the Poor Law Commissioners and inspectors for a reply, and he did not quote landlords. He knew it was said this was a landlord's question, therefore he took impartial and experienced men; and what did they say? That evictions had been ever most frequent in the largest unions; and were they content with stating that part? By no means; but they added, not only that such was the fact, but such it must be, the largeness of the division giving the proprietor a direct interest in evicting. Such was the testimony of various poor-law inspectors; but Captain Larcom put the matter so clearly before them in one of his answers, that he would read his words:—

> "The tendency to evictions augments in proportion as the labour on the estates is burdensome and unprofitable; the landlord will not have the same motives to employ labour in a large electoral division as he would have if every labourer whom he employed was a labourer the less for whom he would have to pay a poor-rate."

Now that answer exhausted the whole question: the true mode, the only one, of stopping evictions was by making it the interest of the proprietor to employ. Give him the reduced area. Throw directly upon him the burden of the rate—individualise his responsibility and his charge —let him feel that his burdens would be lightened by good management—would be increased by his improvidence—that he could no longer cast his poor as a tax upon his neighbour—and they gave every solvent proprietor the best of all motives to employ, and the needy proprietor they compelled to sell. While the objections to a small area, therefore, were groundless, and proved by the most competent witnesses to be imaginative, its advantages were numerous and undeniable. There was a weight of concurrent testimony in its favour unexampled on any other subject except perhaps that of emigration. It had the grace of concession to a just prayer of almost all classes in Ireland—to have the same area of taxation as in England. Not only did it tend to a more economical administration of the law by making it the interest of every proprietor to keep down pauperism by employment and emigration, but by showing them at once the whole extent of the pauperism for which they were liable, it made it safer for them to purchase or improve, and cast on the needy proprietor, by allowing him no escape from the burden, an additional obligation to sell. And as he had more than once stated before, the multiplication of workhouses would of itself be an immense advantage, by rendering the application of the workhouse test more easy and certain. The true principles of a poor-law, then, were restored by the English area—the superabundant population was got rid of, absorbed by employment or emigration—relief to the destitute was combined with the security of property—work was the condition on which the poor man earned his food; and finding him that work, was the title by which the rich man possessed his estate. The smaller area then, he repeated, was in Ireland the basis of all agricultural improvement; other measures with regard to land must follow; but as the exclusive reliance on the potato had been, in an agricultural sense, the curse of Ireland, so, with the poor-law in operation, the reduced area was essential to its salvation. He expressed these opinions strongly, he maintained them confidently, because they rested on higher authority than his. They were those of the highest economical authorities, whether writers or statesmen, and were borne out by the concurrent testimony of the most practical men of their own day. Who were these men? The most important were such as Captain Larcom and Mr. Senior, whose knowledge of poor-law principles had been perfected by large official experience in the working of the law in Ireland; and next to them were the best witnesses that Ireland could furnish—men of the greatest intelligence, many the most enterprising regenerators of their districts—who had shown the greatest zeal, cheerfully sustained the heaviest sacrifices—who laid out most in their lands, had been the best and most economical administrators of the poor-law—who understood its working best—who set the brightest example, and who must be, under any system, the hope of the country. Why send for these men and ask their counsel on a question of such infinite magnitude, and then not even submit their proposals to a discussion? Was that Committee intended from the first to be a sham? Their valuable evidence had, however, made it a reality, and their views must either be answered or adopted. They showed them the present state of Ireland as they had seen it, and its future as they would make it—a well-ordered poor-law working harmoniously with the country, an improved agriculture, a solvent proprietary, and a population reclaimed from misery and crime. On the other hand, what was their nostrum? A revival of the potato, and a restoration of the ordinary state of things. What was that ordinary state of things? Let him show them by taking the intervals at equal distances since the Union. Lord Clare, in 1801, thus described the Ireland of that day:—

> "Nothing was to be seen over the country but pillage, murder, and conflagration. Happy would he be if he could go to his bedchamber without entering an armoury, and could close his eyes without apprehensions of having his throat cut before morning, and of seeing his wife and children butchered before his face. Let noble Lords opposite take a journey to Ireland, and he would engage to give any six of them a villa and a small farm each, if they would consent to reside in it."

He doubted their surviving. Fourteen years after, the Home Secretary, introducing a Coercion Bill showed that no improvement had taken place in Ireland; and he read a memorial, signed by thirty-six magistrates of the county of Westmeath, stating that assassinations were perpetrated in places of worship at noonday, and in the face of large congregations, without the slightest resistance. Another fifteen years passed, and the same Minister, on introducing the Emancipation Bill, made this statement:—

> "In 1800, we find the Habeas Corpus Act suspended, and the Act for the suppression of rebellion in force. In 1801, they were continued. In 1802, I believe, they expired. In 1803, the insurrection for which Emmett suffered, broke out, Lord Kilwarden was murdered by a savage mob, and both Acts of Parliament were renewed. In 1804, they were continued. In 1806, the west and south of Ireland were in a state of insubordination, which was with difficulty repressed by the severest enforcement of the ordinary law. In 1807, in consequence chiefly of the disorders that had prevailed in 1806, the Act called the Insurrection Act was introduced. It gave power to the Lord Lieutenant to place any district by proclamation out of the pale of the ordinary law—it suspended trial by jury, and made it a transportable offence to be out of doors from sunset to

sunrise. In 1807, this Act continued in force, and in 1808, 1809, and to the close of the Session 1810. In 1814, the Insurrection Act was renewed; it was continued in 1815, 1816, and 1817. In 1822 it was again revived, and continued during the years 1823, 1824, and 1825. In 1825, the temporary Act intended for the suppression of dangerous associations, and especially the Roman Catholic Association, was passed. It continued during 1826 and 1827, and expired in 1828. The year 1829 has arrived, and with it the demand for a new Act to suppress the Roman Catholic Association."

Such was the story down to 1829; and since 1829, has there been any change? Let the proceedings of the Imperial Parliament answer that question. He would continue the history. In 1830, there was an Arms Act; in 1831 it remained in force. In 1833, Lord Grey's Coercion Bill; in 1834, ditto; 1835 to 1839, Punishment of Offences Act; 1836, an Arms Act; 1838, an Arms Act; 1840, an Arms Act; 1841, the same in force; 1843, another Arms Act; 1844, another ditto; 1845, the same in force; 1846, an Arms Act proposed by two Governments; 1848, the Habeas Corpus suspended; 1849, ditto, ditto, constitution still suspended, and a greater military force in Ireland than there had been, he believed, since the days of George III. He was not commenting on these Acts; he was stating facts; and he appealed to any English representative in that House, such being the past and present of Ireland, and an opening afforded for an improved future, was there ever such a call on the time, the thought, the statesmanship, the conscience of England? He appealed to the Member for Montrose, the vigilant guardian of the public purse. What were all the possible savings of financial reformers, compared with what better administration would save in Ireland? He appealed to the commercial Gentlemen, to the representatives of the West Riding and Manchester. What would they think of the future destinies of England if Yorkshire and Lancashire were blotted from its map? and yet the loss of Yorkshire and Lancashire was not to be compared to the loss they suffered from the extinguisher they placed on the resources of Ireland. He appealed to Gentlemen opposite, the protectors of agriculture—when were landed proprietors ever doomed to such ruin and confiscation as this ill-regulated poor-law was inflicting on Ireland? He appealed to the higher feelings of the House whether the present condition of their fellow-subjects in Ireland was not a reproach to their character and country, and a scandal to their age and their religion? and let not any of them calm their consciences with the miserable belief, that the evil was curing itself as the Irish were dying down, for unhappily capital was disappearing even faster than population; and in that diminution of the capital of Ireland, there was, unless their legislation were more profound, a new danger in the distance. And, after all, supposing that only four millions of population were surviving instead of eight, would the four millions be more manageable than the eight had been? and did they think that the dying agonies of half a nation would not leave a curse behind them? But he appealed more strongly to the representatives of Ireland, for on them the heaviest responsibility rested. He had drawn their attention only to some portion of the ills of Ireland—to those social ones that were connected with its famine and its poor-law. He knew that there were other causes of misery of long standing and deeply seated, and which he did not mean at the proper time to overlook. But they were questions on which differences among Irishmen themselves had constituted at once their weakness and their reproach. He wished them for the moment to be forgotten, and that while this crisis lasted, Irishmen should exhibit that union and forbearance which would alone carry them safely through it. It was for them now, with one voice, to ask the Minister of the country what was the policy he had in store for them, and compel him to say now, that his inquiries were exhausted, whether his devices were exhausted too, and he had nothing to propose to rescue their country from despair. They had a right to an answer to this inquiry; and they might rest assured that, sooner or later, the representatives of England would assist in getting it, for they know that their interests were so inseparably bound up with those of Ireland, that motives of selfishness, if not of generosity, must drive them to a wiser policy. Let the representatives of Ireland be but true to themselves, and England would be just to them; for while in the misery of Ireland is England's danger, so in the prosperity and happiness of Ireland is the security of England at home, and her strength among the nations abroad.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying Her to take into Her gracious consideration the unhappy state of Ireland, representing that a crisis of unparalleled magnitude is afflicting that most wretched country; that the chief food of her population and the main product of her agriculture has failed to a most disastrous extent for several years; that thereby all classes of Her Majesty's subjects in Ireland have been involved in ruin; that much of its soil has gone out of cultivation; that the moral and physical condition of the people is lamentably degraded, and in spite of unexampled aid from England, vast numbers of our fellow-subjects have actually perished from want:

"That it is the conviction of this House, that the very vastness of the calamity furnishes a well-founded hope that a wise legislation, apprehending the peculiar opportunity hereby offered, and skilfully availing itself of the elements now set free for the reconstruction of agricultural relations in Ireland, might lay the foundation of a prosperity hitherto unknown to that country:

"That the House is confirmed in that conviction by the evidence given before Parliament by witnesses of the highest intelligence and of the profoundest knowledge, of the actual state and undeveloped resources of Ireland:

"That on a review of that evidence, this House is constrained painfully to acknowledge that while the Acts specially framed for the relief of distress since the commencement of the famine, have not realised the benevolent intentions of Parliament, neither have those of a more permanent nature been characterised by a true discernment of the peculiar features of the present crisis, and the establishment of any comprehensive policy adequate to the emergency:

"That this House humbly prays Her Majesty to direct the special and careful attention of Her Majesty's Government to the Evidence which has been laid before Parliament, feeling assured that the ability, information, and practical suggestions therein displayed, furnish ample materials for a legislation at once solid, profound, and regenerative."

COLONEL DUNNE seconded the Motion.

SIR W. SOMERVILLE said, that much as he felt compelled to dissent from a great part of the hon. Gentleman's speech, no part of it had struck him with more surprise than his assertion that the House had shown an indisposition to consider Irish affairs. Whatever fault might be found with the House or the Government for the mode in which they had legislated for Ireland, he thought there could be no difference of opinion as to the industry, patience, and indefatigable attention with which everything relating to that country had been considered in that House. Nor could any one deny that the attempts to legislate for her benefit, had been forwarded by every individual in it. The hon. Gentleman himself was an instance of that very zeal and devotion. At the close of a weary and prolonged Session, which had been occupied—he would not say exclusively, but to a great extent—with the affairs of Ireland, the hon. Gentleman, on what might be called the last day of the Session, came down to the House, and, not having ever set foot on her soil, superseded the Irish representatives in their legitimate functions, and undertook to advocate her interests without knowing anything of her people. The hon. Gentleman presented himself, not, he said, to censure the Government, but the Parliament; but, in doing so, Government must impliedly share his censure, for they were responsible for the measures which had been adopted. But the contradictions of the hon. Gentleman's own speech must have been visible to the House, and certainly had struck him with surprise. The hon. Member commenced by laying to the charge of the measures which had been adopted for the relief of distress, such as the Labour Rate and Poor Relief Bills, the evils which afflicted Ireland; but in a very short time after adverted to what was indeed the real cause of those evils—the social state of Ireland. It was quite true that the famine found the people of Ireland in the midst of their vicious system of potato culture and potato reliance. It was all very well to point out retrospectively the defects of any measures adopted in such an emergency; but when they were introduced, no voice was raised against them. Where was the hon. Gentleman then? When he took upon himself now to come down and find fault with everything that had been done, he wished to ask the hon. Gentleman why he had not objected to everything at the time? It would not do to say the gentry of Ireland waited on the Lord Lieutenant, and called for an alteration of the Labour Act. They should have been in their places when the Act was passed to amend or to oppose it. They were responsible if the Act did not meet the pressure of the moment. But could any one deny it had saved hundreds and thousands of lives? No system of direct relief could have prevented the evils which had occurred in so sudden a crisis, and the House would have asked for some test and evidence of destitution before they gave money to the people of Ireland. The next measure was what was called the Soup-kitchen Act or Destitute Poor Relief Bill. It did what the Labour Act did not—it stayed the famine and saved the lives of the people. But that could not go on for ever. It was necessary to take other measures. It was in expectation of the cessation of that Act that the Poor Law Extension Act of 1847 was introduced. Before he addressed himself to that part of the subject, he must observe that the hon. Gentleman, in depicting the misery and wretchedness of certain districts of Ireland, had somewhat overcharged his case. Far be it from him to seek to lessen the sympathy due to the sufferings of the people in those districts; but when he heard the hon. Gentleman talking of the mortality which there occurred, and the coffins which were lying about the road, and of priests and paupers being thrown indiscriminately into one grave—without doubting that such information had reached the hon. Gentleman, he must tell him fairly that it was an exaggeration, and that such a state of things did not exist. It was very easy to deduce a case of that nature from the mass of evidence taken before a Committee upstairs; but it was not fair to insist upon those particular points. By adopting such a course, almost any assertion might be proved. He would now proceed to consider the introduction of the poor-law of 1847. The hon. Gentleman had designated that poor-law as being introduced for the purpose of meeting the famine. He (Sir W. Somerville) did not conceive it to be introduced for any such purpose. What reason was there to suppose in 1846, that the famine of that year would be continued in 1847? There certainly was no ground for any such expectation at the time of the passing of the Bill. If the hon. Gentleman would look at the date at which the Bill received the Royal assent, he would find it was on the 8th of June, 1847, a period of the year when it was impossible to foresee that another famine was coming upon them. Therefore, to say that the poor-law of 1847 was to meet a state of famine, was a statement not borne out by the facts as they occurred. He had always been of opinion that the old poor-law of 1838 was insufficient, and he had long felt that the provisions of that law should be extended, and he was one of those who, in 1847, proposed the extension of that Act. He had always thought it was a very great misfortune that so immediately—upon the introduction of a measure of such vital importance—there should have been suddenly and unexpectedly thrown upon it, by the famine which supervened in the autumn of 1847, a demand which its machinery was not calculated to meet. He fully admitted that the Bill was not equal to meet this pressure. But that was a very different thing from saying that the law of that year was passed for the purpose of meeting that famine. The hon. Gentleman had drawn a comparison between the Irish Poor Law of 1847, and the Poor Law in England as it now existed, and said that they had introduced the English poor-law into Ireland. But that was not the case; the poor-law in Ireland was much more stringent. Outdoor relief in England was the general rule; in Ireland it was the exception. You could not give outdoor relief in Ireland until the workhouse was full: that was not the case here. Neither in Ireland could you give outdoor relief, except in kind: that was not the case in England. Outdoor relief in Ireland could only be administered under a special order of the commissioners, and that only for the period of two months; no such order was necessary in this country. Therefore it was obvious that the hon. Gentleman was totally mistaken in drawing a comparison between the system of outdoor relief to the ablebodied poor in Ireland, and the system in England, to the disadvantage of the latter, as regarded the stringency of the law. Would the hon. Gentleman repeal the law? Was he prepared to come forward and say that no outdoor relief should be given to the poor of Ireland at all? Was he prepared to say that? If such a proposal were adopted, it would be a sentence of death upon thousands. But the hon. Gentleman was not prepared to advise that course. That was just the part of the hon. Gentleman's speech which he had listened to with the greatest attention. He expected, at least, when the hon. Gentleman came down to the House, and thought it necessary at this period of the Session to call their attention to this subject, that they would have some one practical recommendation to discuss; but he had listened in vain. There was not a single point in the speech of the hon. Gentleman which had not been over and over again debated in that House. The question of outdoor relief, and the propriety of at once abolishing the distinction between the ablebodied and the aged and infirm, was brought forward by the hon. Member for the city of Waterford. He did so, not because he wished to do any thing which was calculated to increase the miseries of Ireland, but because he thought it would be for the general benefit of that country. But when his hon. Friend was asked to propose a remedy, and say what he would do when outdoor relief should cease, he was unable to give an answer. He (Sir W. Somerville) believed that the hon. Member for Cockermouth would be equally incapable of answering that question were it now put to him. He believed that if they were to abolish outdoor relief in Ireland, it would be tantamount to a sentence of death to thousands of those whose interest that hon. Gentleman had now come forward to advocate. The hon. Gentleman had taken the union of Ballina as a sample, but that was not a fair sample. The union of Ballina was an extreme case. But, nevertheless, there was something even in the case of the union of Ballina which led him to hope that matters were on the mend, and that they had seen the worst. By a return which he held in his hand, he found that outdoor relief in Ballina for the week ending the 30th of June, in the present year, was granted to 27,700 persons—an enormous proportion of the population, certainly, and an amount calculated to convey a most grievous impression to every man's mind; but when he turned to the number to whom outdoor relief was granted in the corresponding week of the year 1848, he found it to be, not 27,700, but 41,000. He would mention an interesting circumstance which happened in the union of Ballina. A gentleman told him that he was lately in the district of Ballina, and he saw a large crowd gathered round the post-office. He inquired what was the cause, and he was told that the people were there for the purpose of receiving the money which had been sent to them by their friends through the post-office from different parts of the world; and he ascertained that there had been as much as 800*l.* received in Ballina in one week by money orders sent to the wives and families of those who had left the union to seek work elsewhere. These money orders were sent not from America merely, but from England and Scotland, wherever the parties could obtain work. He need not dwell upon the credit which such conduct reflected upon the people, who thus cared for, and ministered to, the wants of their relatives and friends. It was conduct which deserved the approbation of the House of Commons. No doubt the diminution of outdoor relief in Ballina might have been occasioned in some degree by the dispersion of those poor persons who obtained work in different parts of the country. The hon. Gentleman had denounced the maximum rate, and had attributed uncharitable motives to those who advocated the principle. Now, he could produce to the House letters containing proposals to take land in Ireland upon condition that it should be exempted from poor-rates, or that a certain sum should be fixed beyond which the poor-rate should not go. No sum was fixed by the parties, because they said they did not seek profit, their whole object being to benefit the interest of agriculture in Ireland. This was a most benevolent object, and no doubt the conditions were proposed under the impression that the Poor Law Commissioners had the power to fix a maximum rate. The hon. Gentleman then proceeded to the question of emigration. A great deal of ignorance was to be found, not only out of doors, but among Members in that House, on the subject of emigration; but it would require far more time than he could afford to discuss the question then, and he had the best reasons for refraining from doing so on that occasion, because his hon. Friend the Member for Limerick had already made a special Motion on the subject. And when the hon. Gentleman made use of such harsh terms as he had that night against those who did not promote emigration, he (Sir W. Somerville) had a right to ask where that hon. Gentleman was when that Motion was introduced? The hon. Gentleman should, at all events, give some practical proof that he felt a lively interest in the subject when he accused others of the crime and folly of not promoting emigration. Although the hon. Gentleman had alluded to every possible topic, he had not recommended any practical measure which the House could adopt. He, among other matters, adverted to the much-debated question of the area of taxation. There were two views in which that question might be considered. There were those who said that the electoral divisions were immeasurably large, and that if they were smaller the guardians would be better able to direct their attention to the wants and desires of those who in connexion with the poor-law were subject to their charge. The hon. Gentleman said that the reason he wished to diminish the area of taxation was, that he might individualise the responsibility; and he argued that the proprietor of an estate would have an interest in the welfare of the pauper or labouring poor, if the whole weight of their support devolved upon the estate. In that practical view of the case, he entirely differed from the hon. Gentleman. He thought the notion that a reduction of the area of taxation would individualise responsibility so as to make the proprietary have an interest in the case of paupers, was a delusion. He did not think they would ever be able to carry it out; because, if the argument were carried out to its legitimate extent, they must have areas of taxation conterminous with the estate. The argument involved as much, and they must ultimately come to an estate area of taxation. But he would show presently that they could not stop there. They could not stop with a mere estate area, for, when they had arrived at that, what would they have done? They would merely have done this—they would have reduced the Irish peasant to the same condition as the Russian serf, and they would have to sell him with the estate. Was that the way to improve the habits of the Irish labourer? Was it a proper plan to improve the condition of the labourer to say that he should always live on the estate, and that the farmer must employ him whether he was a good labourer or not? The hon. Gentleman forgot that there was a great difference between Ireland and England as regarded taxation for the poor. In this country the whole of the poor-rates were paid by the occupier, but not so in Ireland. He wished to show the hon. Gentleman that he would not obtain his object even if he were to reduce the area of taxation to the size of an estate; because there might be as much difference between two farms on one estate, as between two different estates. Some estates might be well managed, and some very ill managed; but if that were not so, you were not the least nearer to a solution of the problem which the hon. Gentleman wished to solve. And so twenty farms might differ in condition on one estate, as twenty estates might differ in one electoral division. Therefore, upon the principle of individualising responsibility, you must reduce the areas of taxation, not to estates only, but to the size of farms. He would ask how, under such a state of things, it would be possible to carry on the poor-law at all? It must necessarily lead to a state of confusion, whatever might be the law. He hoped the hon. Gentleman did not forget that at this moment a commission was sitting whose duty it was to diminish the size of the electoral divisions in Ireland. That commission had sought for information on all sides; and it had sought for suggestions from gentlemen whose local interests entitled their opinions to consideration. He hoped, as far as regarded divisions of an unmanageable size, measures would be taken by the Boundary Commissioners which would prove a considerable improvement on the present system; but as to any attempt being made to reduce the electoral divisions in accordance with the views put forward by the hon. Gentleman, that he (Sir W. Somerville) conceived would be a proceeding not only most injurious, but most pernicious, and one which would lead to indescribable confusion. Did the hon. Gentleman know what were the opinions of persons in this country upon the subject? He could assure him that there were many intelligent men in England who were in favour of a very large area of taxation. At all events, there was quite sufficient opinion of an opposite character with regard to this question in England, to make the people of Ireland pause before they gave their assent to the proposition of the hon. Gentleman. He had trespassed upon the attention of the House longer than he was wont to do; but he could not, under the circumstances, avoid saying somewhat upon a subject which had engaged the attention of the House so often. He would not now enumerate the different measures which had been adopted by Parliament during the previous and the present Session with a view in some degree to stem the current of distress which unfortunately had so long been flowing in Ireland, because, do what they would, it was impossible to undertake to dry that current up, or minister support to all who were overtaken by it. But those measures had been offered by this country with no niggard hand. Without, therefore, enumerating those measures, he would say, that whatever had been done was generously done, and with a view of acting for the best. To recount those benefits, or to dwell upon their merits, he felt would be an ungenerous act. The hon. Gentleman began his speech by asking what hope there was for Ireland? Now, he (Sir W. Somerville) was not a very sanguine person. He admitted that everything for a long time, as connected with Ireland, had been gloomy in the extreme; but he did think there were grounds for hope now presenting themselves, and which, with the blessing of Providence, might warrant them in looking forward to a brightening future. First, they had the prospect of a bountiful harvest. Let it not be supposed that he reckoned with any great reliance on the potato crop. He quite agreed with the hon. Gentleman that the potato was not a fit food for a people to rely on for their sustenance, though he did not agree with him in wishing that the whole of the potato crops throughout the country might be destroyed; because he considered that a plentiful harvest, even of the potato, would afford them time to look around them, that they might consider those more permanent measures which it would be necessary to adopt to enable them to meet any calamity that might hereafter occur, should a failure of that crop at another season come upon them. The reports which had reached him that morning induced him to believe that things were on the mend. The papers which were then before him very clearly showed that the numbers of deaths of paupers in workhouses had greatly decreased, and were gradually decreasing. He ventured to hope, therefore, that we were on the eve of better times. In the month of May the number of outrages reported by the police was 2,034, while in the month of June they amounted only to 1,490. He conceived that that condition of the criminal returns gave indications of a greatly improved state of things. That was the only statistical document that he intended to read, for he felt even in the few remarks he had made, that he had trespassed too much already on the time and attention of the House; but he could not sit down without reminding hon. Members then present that the measures of the Government had been adopted by very large majorities—that the feeling of the House was that Ministers had acted for the best—and that neither the House directly, nor the Government impliedly, deserved the censure which the hon. Member for Cockermouth had sought to cast on them; he should therefore meet his Motion by a direct negative.

MR. HORSMAN rose to explain. He had never said absolutely that he wished to see the potato exterminated—he merely put an alternative which was this, that rather than that the potato should be the life and soul of Irish agriculture, he should wish to see it no more.

MR. STAFFORD said, that the right hon. Baronet the Secretary for Ireland calculated rightly when he supposed he should enlist the sympathies of all in the expression of joy by his reference to details in proof of the return of prosperity to Ireland, however those details might be qualified. If, however, the right hon. Gentleman had told them the number of inmates in the workhouses, and the number of deaths during the previous weeks, and if he had told them by what other circumstances than fever deaths had occurred, he confessed the details would to him, and those about him, have been more satisfactory. Nor could he rejoice with confidence over the returns from the constabulary of the outrages, until he knew what those outrages were. For when he remembered that outrages small and great were reported in the same way, and that one outrage of a serious character was of more consequence in estimating the state of a country than ten inconsiderable crimes, such as petty larceny, that went to swell the gross number thus reported, he felt he could not speak of the deductions that ought to be drawn from so unsatisfactory a statement as that made by the right hon. Gentleman. The Secretary for Ireland said truly that it was out of the power of any Government to deal with so great a calamity as had afflicted Ireland; but he might be permitted to remark that that difficulty was greatly increased by the way in which the famine was at first met. It was entirely owing to the Government that those difficulties had been increased, and that the visitations of Providence had been aggravated by the legislation of man. The responsibility of the Government was increased with the greatness of the opportunity presented to them. For there never had been a time in the history of Ireland when barriers to good legislation in that country had been more entirely removed than during the three years for which the Gentlemen opposite had held office; and never was there a time when party spirit and religious contentions were more entirely allayed; and when he asked what had been the conduct of Members on both sides of the House, and whether the legislation for Ireland was not more entirely owing to the Government, he recollected that they had the support of large majorities, and he considered that those large majorities proved the absence of all factious opposition, casting thereby the great responsibility of the remedies proposed for Ireland upon Her Majesty's Ministers. They were the makers of the 9th and 10th Victoria. It was not the first time that he had regretted his absence on that occasion, and taken blame to himself on that account; for he felt that however protracted the Session might be, and at however late a period of it measures might be brought on for discussion, Members could not absent themselves without blame, or throw off by their absence their responsibility, whilst Government were passing dangerous measures in their absence. The responsibility of another great step rested solely with them, when the Government determined at one time to violate the Act to which he had referred—when they overruled its operation, and acted so much in violation of the law that they felt it necessary to come to the House and ask for an Indemnity Act in consequence. He said the responsibility of Mr. Labouchere's letter of the 7th Oct., 1847, rested entirely with them. As to the course which had been pursued by hon. Gentlemen on his side of the House, since the right hon. Gentleman had not thought fit to advert to it, he might be permitted to trace their conduct with regard to the measures which Government had brought forward. He should follow the example of the hon. Member for Cockermouth, and would not advert to the Church question, ministers' money, and one or two questions that had been brought forward in the House during the present Session. He would look only to those measures which had reference to the social improvement of Ireland—a subject which had occupied their attention so largely during this Session, and by so occupying it proved to the country that, in the opinion of the House, the great difficulty of Ireland was social and not political. One of the measures that came extensively before them, was the Incumbered Estates Bill. So important was that measure considered, and so likely to work for the benefit of Ireland, that no fewer than four Acts had been introduced this Session to carry out that law more effectually. They passed the Bill by majorities enormous, in great haste, and with much appearance of anxiety. For himself, he looked at that measure as a Bill to facilitate the sale and transfer of landed property, the principle and provisions of which might with advantage be extended to England. As to the Registration Bill of the noble Lord, he did not think it was necessary for him to say any thing after it had been withdrawn; but he considered the noble Lord could not have done otherwise, after the evidence of Mr. Griffin as to the great inequalities which prevailed in the rates levied in different localities. That very inequality of rating was a circumstance which deserved the careful consideration of the noble Lord during the recess. To hon. Members who had looked from day to day into the Notice Papers, it would be unnecessary for him to remark that two notices appeared regularly, and seemed to follow closely throughout the Session, although they came to nothing, as might be expected, considering in whose hands they were. They must have considered the connexion that appeared to exist between these notices. It had been often said that the taxation of the two countries ought to be similar and identical; but he might say that the taxation could not be separated from the representation of the country. Accordingly, when the hon. Member for Glasgow wished to have two Members for Kensington, and the hon. Member for Limerick, on the other hand, wished to have two Members added to the representation for Ireland, that was a question to be decided by the different ratio of taxation levied on the two countries, or on any two localities. It was during this Session that one of the hon. Members for Berkshire brought forward a Landlord and Tenant Bill for England, and the hon. Member for Kerry moved a clause extending the operation of the Bill to Ireland. That proposition was acceded to unanimously; and now he therefore asked the noble Lord, if his attention should again be called to the subject, to remember that the House of Commons had placed the Irish landlords in the same position with the English landlords, and had thus far asserted that both ought to be legislated for together in the same Bill, and on the same principles. As for the Savings Banks Committee, which was opposed by the Government, notwithstanding the great interest which the subject possessed for those localities where branches of these institutions had existed, he could assure the noble Lord that additional interest was concentrated on that Committee by his opposition to its appointment; and he hoped the noble Lord would now do what was necessary, and bring the inquiry to a proper issue. He now approached the Irish poor-law; and he said, however great were the evils of that poor-law—however ill-advised the legislation of the Government on that question, no blame could attach to those on his side of the House for absence during the discussion of the question, or for being barren of suggestions and of plans, whereby, in their opinion, the difficulties of the case might be met. Aware, practically, of the condition of Ireland, and foreseeing what would happen, they had asked for a Committee of Inquiry into the working of the poor-law, and all the Irish Members voted for it; but the noble Lord voted against such inquiry. The consequence was, as might be foreseen, the noble Lord met the Parliament in 1849 without a Bill upon the subject. Well, the first Bill the noble Lord brought in, he grafted upon the rate in aid. It was then, when they saw that nothing was to be done for Ireland until she had herself made the utmost exertion, that the Member for Cockermouth moved the extension of an income tax to Ireland. He refused previously to have a rate in aid; and he said it became him as a wise man to choose the least of two evils, and, therefore, the Government were advised to extend the security they were seeking by the rate in aid over all the property in Ireland, and especially to lay the tax upon that kind of property which was most able to bear it. Why the noble Lord opposed that Motion, they knew not, except from the proceedings in the memorable Parliament of Downing-street—that Parliament of twenty minutes' duration, and the summary speech in which the noble Lord addressed his Irish audience. In the debate on the Poor Law Amendment Bill, it was clearly shown that the maximum just came to be the minimum, and that the proposal inferred almost necessarily in future time that very disagreeable process known as "cooking the accounts" in the district. During all those debates, however, he could not but recollect that those right hon. Members who sat on the bench which he himself occupied, three of them at one time or another Secretaries for Ireland—he meant the right hon. Baronet the Member for Tamworth, the right hon. Member for the University of Cambridge, and the noble Earl the Member for the Falkirk boroughs—had never one of them exhibited, by their presence or their participation, any interest for those over whose destinies they had presided. That poor-law dealt with the whole property of Ireland, enabling three men to lay on taxes at the rate of 12 per cent—to dismiss the whole of the municipal bodies in certain localities, or to alter the composition of these bodies, or to force loans upon them; yet against all these processes no appeal was allowed, and no delay was permitted. The decision of these three men was final. With such provisions before them, they had attended night after night; but the Irish Members had been swamped by the union of English Members against them. Nearly contemporaneously with that Bill, was another for the amendment of the English poor-law; and during that discussion the slightest suggestion of the English landlord was attended to, and the provisions modified to suit the wishes of the landlords, and made to square with the condition of their property. That indicated to him that there were two governments for the two countries. He said that the Bill for Ireland, which they had sent to the other House, was equivalent to a vote of want of confidence in the middle and upper classes of that country. It was said the fault lay with the landlords, Their fault had been that they had acted upon the dogma of buying in the cheapest market, and selling in the dearest. They had sold their land for the largest price, and bought their labour for the lowest wages. They looked upon the potato as the cotton plant of Ireland, and competition was stimulated to the highest point. That was their fault, and dearly, deeply and long, would they rue their implicit obedience to the vain dogma which they were told was to regenerate the world. But if they wished to keep those landlords as bad as they said they were, let them deal with them as they said they dealt with their tenants; show them no confidence, and by the different Bills passed in that House treat them as an alien race. He was satisfied that local self-government for Ireland was the only course of policy for that House to pursue. That principle had been violated and destroyed by their legislation; but he was convinced that a return to it was the only way to regenerate Ireland. He asked those who had brought forward a Registration Bill, and who showed by the provisions of the Irish poor-law that they had not the slightest confidence in the boards of guardians, with what pretence of consistency they could propose to such a people an extended suffrage? Were those who were incapable of managing their own affairs fit to take any part in the management of the affairs of the empire? Whilst these people were offered an 8*l*. franchise, they were insulted with a 12½ per cent tax. The more, then, he considered the subject, the more was he convinced that a return to the principle of local self-government was the only way of regenerating Ireland. The right hon. Gentlemen had entered at length into the question of parochial divisions. Against estate rating it was easy to make out a case; but it was in the power of the noble Lord, even now, without the interference of the Boundary Commissioners, to make electoral divisions smaller. ["Divide, divide!"] He saw an hon. Gentleman calling for a division, who, upon the anniversary of the patron saint of his own country, demanded that Wales should be included in the Irish poor-law. He knew not whether the wish of the hon. Gentleman had survived the festivities of that day; but if he were still desirous that Wales should be considered as an electoral division of Ireland, and would state his reasons, at least from him (Mr. Stafford) the hon. Gentleman should have a patient hearing.

Mr. SHEIL: I shall not forget that this is the 23rd of July. How does it come to pass that of the Irish miscellany by which it is supposed that this Motion is supported, not one has thought it judicious to originate a proposition of an analogous kind? It is not because they are conscious of their inadequacy to the performance of the task which has been assumed by, or has devolved upon, the Member for Cockermouth. It is not because they are utterly destitute of that self-reliance of which my hon. Friend affords a model—it is not because they are not aware that the hon. Gentleman has no sort of connexion with Ireland excepting that which an amiable but somewhat speculative sympathy can supply. It is because his utter ignorance of Ireland is countervailed by his distinguished talents, and more especially by those peculiar faculties which render him the most appropriate exponent of dissatisfaction, and the faithful mirror of discontent. But it is not to the use of caustics that the talents of my hon. Friend are confined. He can praise as eloquently as he can condemn. In the course of last Session, when he proposed the extension of the income tax to Ireland, he pronounced an admirable and most just panegyric on the distinguished Nobleman at the head of the Irish Executive. It is not undeserving of remark that those who are most lavish of their incongruous praises upon Lord Clarendon, seldom vote in favour of the Ministry on whom he reflects a lustre. On the occasion to which I am referring, the commendations of my hon. Friend extended to the Government. He frankly stated that they had great difficulties to contend with. Where indeed, is the man, whose mind is not the prey of the most virulent partisanship, who will not acknowledge that a large allowance is to be made for those almost insurmountable impediments which result from disasters to which in the annals of national calamity I do not believe that a likeness can be found? But, notwithstanding this acknowledgment, my hon. Friend calls on the House to record its condemnation of the temporary measures to which the Government resorted at the commencement of the famine. I do not consider the Government to be faultless. I am not one of those who pronounce every Government to which they belong to be perfect, and every Government to be imbecile to which they unhappily do not appertain. I am not an optimist of the Treasury bench. But while I admit that the Government may have been betrayed into error, and that, in the suddenness of a great emergency, charity in its precipitancy may have lost its way, I utterly deny that the benevolence of England has been baffled. Whatever mistakes may have been committed, they are as nothing when compared with the vast relief which was afforded. If the calamity was unexampled, so was the preservation. But, give me leave to ask, why it is, when the hon. Gentleman confesses that the measures to which he alludes were temporary, and that they are past and gone, that he calls upon the House to pronounce a retrospective and a useless condemnation of proceedings, the recurrence of which he does not apprehend? Of proceedings defunct for ever, why does he set down a damnatory paragraph? The object is one which it requires some intrepidity to deny, and some simplicity to doubt. The hon. Gentleman proceeds to condemn the measures of a permanent character adopted by the Legislature; of those the poor-law is the chief. It would be preposterous to enter into its details. The evils of the poor-law are as clear as its necessity. Nothing could be worse than the enactment, except the non-enactment of a large measure of relief for the Irish poor. The Government were compelled to choose between the workhouse and the charnel-house, and preferred the first. The interests of property were postponed to the rights of life. It is quite natural that the Irish landlords should have complained with bitterness of the misfortunes that befell them. They deserve compassion for their sufferings, while we are compelled to withhold acquiescence in their views. I do not blame men for consulting their own interests, but in forming an estimate of the value of their opinions, I take those interests into account. I listen with courtesy, but with caution, to a county Member, when he talks of the corn laws; to a Manchester manufacturer, when he talks of a Ten Hours Bill; to a West Indian, when he talks of sugar duties; and to an Irish proprietor, when he talks of the poor-laws and the narrow area of taxation. My hon. Friend, having disposed of the past and the present, advances on the future. He informs us that the calamities in Ireland will be conducive to its felicity. I envy the imagination of the man for whom a vision of prosperity ascends from an abyss of woe. How is it to be realised? By solid, regenerative, and profound legislation. Mem Fodlon, the great Irish legislator, was but the precursor of my hon. Friend. The hon. Gentleman speaks also of comprehensive policy. What does his comprehensive policy include? On how many questions of paramount importance has a significant taciturnity been observed by my hon. Friend? I shall not enter into any details of the hon. Gentleman's profound and unobjectionable legislation; indeed, Sir, I am persuaded at this moment, the most urgent and pressing evils of Ireland are of that character which laws cannot "make or cure." The wounds of Ireland cannot be healed, excepting by the Almighty hand by which they were inflicted. By successive plenty, successive famine must be countervailed—the earth must bring forth her increase; the prayer with which our deliberations are preceded must be granted; Ireland must teem with fertility again; the mysterious and sightless influences by which one of the finest islands in the sea has been three times blasted, must be inhibited—and before anything great and good can be accomplished by human legislation, by the great Lawgiver of the world, a preliminary mercy must be shown.

The O'GORMAN MAHON moved the adjournment of the debate.

Debate adjourned till To-morrow.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, July 24, 1849.

MINUTES.] PUBLIC BILLS.—1^a Railways Abandonment; Poor Law Union Charges Act Amendment; Royal Pavilion (Brighton); Collection of Rates (Dublin); Dublin Improvement; Turnpike Acts Continuance; Pilotage.

2^a London Corporation; Regimental Benefit Societies; Enlistment (Artillery and Ordnance); Trustees Relief; House of Commons Offices; Militia Pay.

Reported.—Inland Posts (Colonies); Land Improvement Amendment (Ireland); Labouring Poor Act Amendment (Ireland); Boroughs Relief; Stock in Trade; Advance of Money (Athlone to Galway Railway); Joint Stock Companies Act (1848) Amendment; Relief of Distress (Ireland) (No. 2); Petty Bag, &c. Offices Amendment; Small Debts Act Amendment; Poor Relief (Cities and Boroughs); County Rates, &c.

3^a Commons Inclosure (No. 2); Poor Relief (Ireland); Highway Rates; Excise Benevolent Fund Society; Newgate Gaol (Dublin); Lunatic Asylums (Ireland).

PETITIONS PRESENTED. By Lord Redesdale, from Lyme Regis, against any Alteration of the Law of Marriage; also from the City of London, that Provision shall be made in the London Corporation Bill for an Alteration in the Right of Voting.—By the Bishop of Manchester, from Manchester, and other Places, in favour of the present System of Education by the Aid of Parliamentary Grants.

REGIMENTAL BENEFIT SOCIETIES BILL.

The DUKE of WELLINGTON moved the Second Reading of the Regimental Benefit Societies Bill. These societies were originally established in the Army under the authority of the Benefit Societies Act of the 33rd of George III., with the provisions of which their Lordships were doubtless acquainted. The inconvenience of them had long been felt. Their existence was found to be inconsistent with the usual discipline and the constitutional existence of the Army, because in each of the regiments meetings were held for the purpose of discussing the interests of each of their particular benefit clubs. Circumstances had occurred in almost every regiment which were very inconvenient, and also discussions and disputes over which no control could be exercised on the part of the authorities. Under these circumstances, to his personal knowledge, it had been the desire of the officers at the head of the Army for a long period to put an end to the existence of these societies. His respected predecessor in the office of Commander in Chief, His Royal Highness the Duke of York, made an effort to put an end to their existence in the year 1826. Efforts had also been made by himself and his late valued friend, Lord Hill, but in vain. The Act to which he had already referred, and under which these societies were constituted, was so well drawn, and its provisions were so strong, that it was found impossible to extinguish any one of them. Under these circumstances, at a later period, about twenty years ago, when it was thought desirable and even necessary to extinguish one of these societies in the Royal Regiment of the Horse Guards Blue, it was found necessary to apply to Parliament, and an Act was passed to put an end to a provident and benefit society in that regiment. The inconvenience of the existence of such societies in many regiments of the Army had been admitted ever since; and it had now become absolutely necessary to apply to Parliament for power to extinguish them—an object which it was proposed to accomplish by the appointment of a commission by Bill to adjust the accounts of each—to ascertain the claims existing upon each society, whether in the form of pensions acquired on retirement from the service, or of claims not yet complete, but existing for the advantage of persons still serving in the Army, and becoming complete on their retirement from the Army—and to make provision first for those who were already entitled to pensions, and afterwards for the distribution of the funds according to the principle contained in the Act of William IV. for the extinction of the benefit society in the Royal Regiment of Horse Guards Blue. Such were the objects of the Bill in relation to the regimental benefit societies. But the Bill related not only to those societies but to large funds in possession of different regiments of the Army, accumulated for certain objects by the commanding officer or other officers of the regiment. The existence of all these funds gave rise to discussions over which there was no control; and it was thought desirable that they should be placed upon some known principle, in the exercise of which full knowledge could be obtained of the proceedings of those charities, so as to give satisfaction to all. He believed that the commanding officers of regiments had done their duty in the administration of those charities; but no doubt complaints had been made of the malversation and misapplication of their funds; and, therefore, it was desirable that the authorities should have a knowledge of what was going on, and should be enabled, so far as control was required, to decide upon all matters in dispute. The commission named in the Bill was to consist of one Secretary of the Treasury, to be named by the Lords of the Treasury, of the Secretary at War, and of the Military Secretary to the general officer filling the position of the Commander in Chief. These were all parties generally interested in the management of the Army. He entertained no doubt that, according to the principle of this Bill, all these affairs would be so managed as to be for the advantage and satisfaction of the Army, and for the better maintenance and preservation of discipline. He, therefore, again asked their Lordships to give the Bill a second reading, and to allow him to name an early day for the Committee.

Bill read 2^{a}.

STATE OF PUBLIC BUSINESS.

Lord STANLEY said, they were now within three or four days of the termination of the Session, and on that day, the 24th of July, there had come from the House of Commons no less than seven Bills then to be read a first time by their Lordships. Two or three of those Bills were of very considerable importance. One of them was a Bill to provide for the collection of rates in the City of Dublin, another was the Poor-law Union Charges Act Amendment Bill, and there was also a most important Bill to amend the Laws relating to Pilotage. That was a measure of very serious importance; it touched, by some of its provisions, on the treaties of reciprocity with foreign Powers, and its importance could hardly be exaggerated. Those seven Bills were sent to them when Parliament was about to separate in three or four days. On the preceding day twenty-two Bills were passed through different stages; he knew not how many had been passed through different stages on that day, and now they had sent up to them another set of Bills. He must say that nothing could be more unsatisfactory than the manner in which they were in the habit of legislating at the close of a Session. He would not throw any impediment in the way of passing measures that were necessary to be passed, but there was no reason for not bringing them forward at an earlier period. There was no reason for these Bills being deferred almost to the very last day.

Earl GREY said, that complaint made on this subject was, to a certain extent, a well-founded complaint; but it was not a new complaint. It was fifty years old at the very least; and year after year, under various Administrations, the complaint had been made. He was afraid it was a necessary consequence of the constitution of the two Houses of Parliament. He, for one, had supported a Bill that would greatly tend to mitigate the inconvenience, and he greatly regretted that in the other House of Parliament that Bill had failed; he thought the Bill would have worked advantageously. But great as the inconvenience was, he did not think, with reference to those Bills that were now brought up, there was any reason for delaying them. When the noble Lord said it was discreditable on the part of the Government to send them up to that House at that time, he should remember how they were circumstanced in the other House of Parliament. Her Majesty's Ministers had but the command of two days in the week, and of those two days they were continually deprived by Motions brought in by individual Members as Amendments on going into Committee of Supply. It was necessary to make every effort to carry, as soon as possible, the important measures of the Session that had been made; and many measures of great importance were brought that year before their Lordships at an earlier period of the Session than usual. The measure for the repeal of the Navigation Laws had been brought before the House at an earlier period than measures of that importance had been usually brought forward. With regard to the Bills now on the table, he believed some of those Bills were merely continuing Bills, and one of them was a private Act. The Bill with regard to pilotage was, no doubt, a Bill of considerable importance; but it was merely a measure giving to certain bodies in this country the power, if they think fit, of relaxing their rules for the convenience of the mercantile marine; and when his noble Friend moved the second reading of this Bill, their Lordships would find there was no reason whatever to delay it. He assured their Lordships that he greatly regretted the manner in which Bills of importance were, by the present constitution of the two Houses, necessarily laid before their Lordships within a very short period of the close of the Session.

Lord STANLEY was aware of the difficulty experienced by Government in carrying Bills through the other House of Parliament, by the limited time which they had at their disposal; but with regard to the Pilotage Bill, that apology would not answer. So far from there being any difficulty in carrying that Bill through the House of Commons, the Motion for leave to introduce it was only made on the 12th of the present month. That measure, he supposed, was a corollary to the repeal of the navigation laws, and there was no reason for not bringing it forward at an earlier period. It met with no delay or obstruction in the other House of Parliament; and it was the fault of the Government, and of the Government alone, that the Bill had been delayed. Could there be a stronger proof of the carelessness with which legislation in both Houses was carried on than was to be found in this fact—that they were now going to have a Bill brought in to correct a blunder made in another Bill a fortnight ago? A measure was brought in with regard to defects in leases. The Bill was passed *sub silentio;* and within a fortnight from the passing of that Bill, it being found utterly absurd and impracticable, another Bill was brought in to correct it.

After a few words from Lord Campbell, House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 24, 1849.

Minutes.] Public Bills.—2° Slave Trade (Persian Gulf); Admiralty Jurisdiction in the Colonies.

Reported.—Consolidated Fund (Appropriation); Leasehold Tenure of Lands (Ireland); Customs; Workhouse Loans (Ireland); Treasury Instruments; House of Lords Costs Taxation; General Board of Health; Metropolitan Sewers; Bankrupt Law Consolidation.

3° Railways Abandonment; Royal Pavilion (Brighton); Turnpike Acts Continuance, &c.; Pilotage.

Petitions Presented. By Mr. H. Stanley, from King's Lynn, for Universal Suffrage.—By the Marquess of Worcester, from Bath, respecting the Welsh Language in the Established Church (Wales); and from Campden, for Repeal of the Duty on Attorneys' Certificates; also from Woolastone and Alvington, for an Alteration of the Sale of Beer Act.—By Mr. Masterman, from the City of London, for the Protection of Women Bill.

LEASEHOLD TENURE OE LANDS (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. LAW said, he rose to move that the House resolve itself into Committee on the Bill on this day three months. If it was the pleasure of the House not to adopt his Amendment, he should propose clauses by which the corporation of London and the Irish Society should be excepted from the operation of this Bill. The object of the Bill was to convert leasehold into freehold property by a compulsory process. The preamble stated—

> "Whereas many lands in Ireland are held under leases and under-leases respectively, with covenants for perpetual renewal, and great expense is constantly incurred in procuring renewals under such covenants, and much litigation and inconvenience arise from such tenures; and it is expedient that such tenures should be converted, in manner hereinafter provided, into tenures in fee, and that, except as herein excepted, all leases and under-leases of lands in Ireland, with covenants for perpetual renewal, granted or made after the passing of this Act, should operate and take effect in manner hereinafter mentioned."

The allegations, whatever foundation may have existed for them in other cases, were not only inaccurate but untrue as regarded the Irish Society. The Bill as it stood was an infringement and partial repeal of charters granted by the Crown to the corporation of London in the reign of James I. Nothing like the proposal now before the House of Commons had been made, unless during the existence of the Star Chamber, when these and other charters were cancelled by that anomalous and tyrannical body in the time of Charles I.; and that monarch had ever after reason to regret the course then taken by him. These charters were restored in the time of Charles II., the object of which was to plant and colonise the city and county of Londonderry and Coleraine, and under them large sums of money had been raised and expended. [The hon. and learned Gentleman then read the purposes intended and the powers conferred, as stated in the charters.] The property granted was undertaken by the twelve great companies of the city of London, and the Irish Society. Nearly one half of the property retained by the Irish Society would be materially affected by the Bill. If it were necessary, he should be able to show that the present Lord Chancellor, when Master of the Rolls, and Lord Lyndhurst, with the assent of Lord Campbell, held that this property was of a permanent character, of which it could not be divested, and powers over it remained to be exercised under the direction of the Irish Society. What, then, could be thought of the modesty of those who required the Irish Society to relinquish the character of landlords of this property—which they had held since the reign of James I. to the present time, and all power and control over it? This was impolitic as well as unjust; for what was unjust never could be expedient even in politics. He challenged the hon. Baronet the Member for Londonderry, who was more the author of the Bill than the Government, to prove that there was any great expense to the tenantry in getting renewals of their leases. He denied that there was any expense of the kind to the tenants of the Irish Society to justify the proposal to convert the present leasehold tenures into tenures in fee. Was the House aware of the nature of the holdings of this property? With the view of showing this, he would refer the House to the statement of the Irish Society. That body stated—

"The Irish Society object to be included in the provisions of the Leasehold Tenure of Lands (Ireland) Bill, because none of the reasons which exist in other parts of Ireland for such a Bill, apply in the slightest degree to the property granted by charter to the Irish Society. The Irish Society have never in any case insisted upon the forfeiture of a lease, nor has litigation prevailed amongst their lessees and their undertenants; a covenant in their leases constitutes the society the sole arbitrator in all disputes which may arise between them. The leases are for twenty-eight years and three lives; so that, should the lives drop, the lessee is certain of a term of twenty-eight years without a renewal. The average period of renewal is about thirty years. The leases also contain covenants to repair, to protect the fisheries of the society, and other covenants most beneficial to the property and its lessees. The only certain means of enforcing the performance of the covenants of the lessees is by periodical renewal. This wholesome check is by the Bill proposed to be abolished; and the Irish Society will be deprived of the best means of enforcing the regulations which have been found so beneficial. The charters granted to the Irish Society for plantation purposes have been carried out to the fullest extent. The property of the society is a pattern to all other parts of Ireland for peace and tranquillity. If the authority of the Irish Society is repealed by granting the fee of their estates to their lessees, they will no longer have any motive to apply the whole of their disposable revenue in improving the property and contributing to the educational and other charities of the district, as heretofore; and the property will in a few years become like the other parts of Ireland. The Bill will transfer the powers of the society to the middlemen, who have been so notorious for their extortion and hardship to their undertenants; and will leave their undertenants entirely in their hands, without the salutary check which the society has hitherto had upon them."

The rent received by the Irish Society amounted to only the small sum of 2,500*l.* a year, while the rent received by the gentlemen holding under them, according to the poor-law assessment, amounted to 40,000*l.* a year. From this it was clear that the benefits conferred by this Bill would be derived exclusively by the middlemen, who would possess themselves of the entire control over these estates. He could not conceive on what ground they should attempt to divest the Irish Society of the land they held under charter, and of all control over their own estates. It was notorious that this changing the tenure to a fee-farm rent, must add greatly to the value of the property to the leaseholder, without giving any compensation to the Irish Society. He was told that existing covenants were amply provided for under the Bill as it stood; but he did not believe that the noble Lord who introduced the clauses alluded to in another place, could believe that they would have the slightest effect to insure the interests of the Irish Society. He was the only permanent member of the Irish Society, and he was so in his official capacity as Recorder of the city of London; he, therefore, would not confine himself to his own interpretation of this Bill, as to its effects on the property of that corporation. He had taken the opinion of an eminent conveyancer as to the effect which this measure would have, and that learned gentleman stated that no process whatever, and no clause which could be inserted in the Bill, would have any effect in protecting the interests of that body; their only safety, therefore, consisted in being freed from the operation of the Bill. [The hon. and learned Gentleman then read the opinion in question.] Such being the effect of this Bill on the estates of that body, he asked whether they were justified in pressing it? He did not say it might not be called for in other parts of Ireland, but it would be the grossest injustice in enforcing it here. The House should consider the peculiar circumstances connected with this case. Here was an enormous estate, placed in the hands of the Irish Society, in consideration of their laying out large sums of money upon it. This was by the act of the Crown, when a large tract of the country, in or near Londonderry and Coleraine, was placed at its disposal by the forfeiture of its former owners. An appeal was made to the corporation of London, and the plantation was to be undertaken by the Irish Society and the large companies. The latter bodies had since laid out large sums in the purchase of other properties. It was desirable, also, that this property should remain under the control of the Irish Society, so as to ensure its good government, and the welfare of the people on it. There were provisions in the leases which only allowed the Irish Society to enter on the property at a certain period, if the tenant had not complied with the engagements entered into by him. There would be the danger of great inconvenience, and a stoppage to improvements, if the Irish Society had not the power of making their lessees carry out the conditions and objects of the plantation. This was the first opportunity he had had, and that at the close of a laborious Session, of protesting against the forfeiture of property belonging to the Irish Society and the corporation of London under this Bill. In doing so, he could not avoid expressing his surprise that the provision should be endeavoured to be enforced at a time when the Government were calling upon English capitalists, and the corporation of London, to come forward and assist in the regeneration of Ireland. This was at a time when the parties now to be affected were anxious to promote the welfare of Ireland, and when the landlords of that country were unable to help the peasantry, who were in a starving condition, and who also were unable to maintain any rents. The corporation of London were then making great exertions for the furtherance of improvements, and for the extension of civilisation in Ireland, and they ought to be protected by law in the employment of their capital, instead of being injuriously dealt with, as they would be under this Bill. The moment was selected for this proceeding to repeal the charters granted by James I. and Charles II., as if it was feared any bodies would dare to undertake improvements in Ireland. This measure, he repeated, was nothing but an act of spoliation of the worst kind, and transferred the property from such wise and moderate landlords as the Irish Society, to a number of large tenants, who were at present required by the covenants of their leases to improve the property, but who, if this measure was passed, would not be compelled to look to the interests of the tenants immediately under them. The Irish Society had also promoted the moral and religious instruction of the population on their estates without religious distinction, and had advanced every measure for the improvement of their condition. The Irish Society constantly held courts to see if any thing could be done for the benefit of the part of the country with which they were connected. At the present moment, when he looked at the thin condition of the House, and at the number of Irish Members present, he could hope to make little impression on it. No doubt the hon. Member for Londonderry might have some misgiving when he voted to take the control of their property from the Irish Society, and give it to himself and others who had a personal interest in the matter; and no doubt nothing but the most enlarged views and patriotic feelings induced the hon. Baronet to overcome his objections to the course which he had taken. All that the Irish Society asked was to be insured the means of being allowed to carry out the conditions of the charters of plantation, which they had sworn to do. Did Irish Gentlemen forget that they were going to dispossess the Irish Society of what was fixed in them by the charters of the Crown, and the conditions of which had been faithfully performed on the part of this society?

Amendment proposed, to leave out from the word, "that" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee."

MR. GRATTAN regretted the hon. and learned Gentleman had made the observations which he did on the Irish Members, and, above all, as he intended to support the hon. and learned Gentleman. He regretted the hon. and learned Gentleman had not laid on the table the charters under which the Irish Society held their property. The Bill was most injurious to that body, and so it would prove to many private landlords. The hon. and learned Gentleman alluded to the charters granted by the Stuarts, as if they were the production of peculiarly wise monarchs. Now, these monarchs were only remarkable in this way, namely, the first was a bad poet; the second never spoke the truth; the third was always with women; and the fourth was a coward, and ran away. The hon. and learned Gentleman was anxious to be enabled to prove the extent to which the Irish Society would be injured; he therefore thought the House ought to accede to the proposition of the hon. and learned Member, and clear all, at that late period of the Session, when they were within a few days of the prorogation. Every attention should be paid to the city of London, and, above all, at a time when it was going to Connemara to take possession of Mr. Martin's property for the purpose of improvement; and he hoped the gentlemen who went over for that purpose, would be hospitably received in Ireland.

SIR J. YOUNG said, that he had every respect for such a respectable body as the Irish Society; but he could not understand why it should be excepted from the operation of the Bill. The hon. and learned Gentleman had given notice of many special clauses under which the Irish Society and the corporation would be exempted from its provisions; but he had proposed an Amendment directed against the principle of the Bill. This would affect all landowners, and the Irish Society had no greater claim to be excepted than private gentlemen. The hon. and learned Gentleman, in the course of his observations, turned round and said he should be defeated, as he saw so many Irish Members present; and the inference he seemed to draw was, that they were all bad landlords, while the corporation was the only good one. He (Sir J. Young) would venture to say that there were hundreds of Irish proprietors who were quite as good landlords as the society alluded to. He would go further, and would say that there was not a county in Ireland in which there were not numbers of tenants better off, and lodged in better houses, and the farms better cultivated, than was the case on the estates of the Irish Society. He knew many large owners of property who were a great deal better landlords—who were better landlords than the Irish Society had ever been, or could ever be. The great improvements effected on the property of that body, had been effected by the tenantry under the perpetual leases held by them, and these would be extended if this Bill passed. If the clause of the hon. and learned Gentleman were adopted, it would appear to be a very invidious distinction.

SIR R. A. FERGUSON said, as he had been so personally alluded to by the hon. and learned Member, he felt called upon to make a few observations. The hon. and learned Member had spoken as if an enormous property belonged to the corporation. This was not so, for the enormous tract was of the extent of about 8,000 acres in and near Londonderry and Coleraine. The matter was one entirely between the Irish Society and the tenants on its property. It had been declared that the Irish Society had granted leases of their property on the most beneficial terms. Now, the fact was, they had been compelled to grant leases in perpetuity about eighty years ago, after a dispute had arisen on the subject which had lasted for a long period. If this had not been done, the whole would have been ruined, and the whole settlement lost. But this was not a piece of liberality on the part of that society; for it imposed an increased rent and other charges on the tenants to the amount of 36 per cent, and hampered the tenants, on the leases so granted, with all sorts of vexatious provisions. The hon. and learned Member said there had been no case of litigation between the tenants and the society. He could mention cases of the kind in which the society had been defeated. As for there being no case of forfeiture, it arose from the circumstance that the Court of Chancery decided that the society, having promised or given leases in perpetuity to the tenants, could not come in to eject them. Did the hon. and learned Member mean to say that the Irish Society had well managed its affairs, and was in a prosperous condition? By their folly and extravagance, they last year had to pay 670*l.* for the interest of the money they had borrowed; and that debt was gradually increasing. All that the tenantry on the property of the Irish Society asked was, that the same privileges should be extended to them which were given by all other landlords. When these leases were granted, the estate was estimated at 2,500*l.* a year rental; but it had since been so improved by the tenants, that it was now assessed to the poor-rates at 40,000*l.* a year. He conceived it to be impossible, with any fairness, to draw a distinction between the Irish Society and other landlords.

MR. NEWDEGATE regretted the debate had been allowed to proceed in the absence of the hon. Alderman the Member for Southwark, the head of the Irish Society, and the other Members of the corporation. He therefore moved the adjournment of the debate.

Question proposed, "That the debate be now adjourned."

MR. LAW said, that he had given notice of a Motion for the society to be heard by counsel against the Bill, on the second reading; but that stage had been taken at midnight, without any notice to him.

The SOLICITOR GENERAL hoped, in a few words, to show the propriety of not acceding to the Motion just made. The Bill had been delayed in consequence of the illness of the Lord Chancellor; but it had been sent down from the other House after it had received the most attentive consideration. He had had several opportunities of proceeding with this Bill in Committee, in the morning sittings; but he had postponed doing so in consequence of his hon. and learned Friend being anxious to be heard in opposition to it, and, in conformity with an arrangement made with his hon. and learned Friend, that day had been fixed upon for the debate. With respect to the other Members connected with the corporation of London and this society not being present, there would be ample opportunities of hearing them at its future stages. He confidently appealed to the House not to allow the Motion for adjournment to be adopted, the only effect of which would be to defeat the Bill. The question raised by his hon. and learned Friend was entirely one for the Committee, as it applied to the details and not to the principle of the Bill. The question involved in this measure had not been introduced for the first time, and the city of London had no right to complain that they had no opportunity of stating their views on the Bill. No one would say that the House of Lords was in favour of confiscation, or unwilling to hear parties who said they had grounds of complaint to state against a measure. The Bill had been delayed for a considerable time in the House of Lords, and the city of London had ample opportunities of interposing.

MR. F. FRENCH said, it was a matter of regret that no one connected with the Irish Society was present. He had had opportunities of inspecting the accounts of the Irish Society, and he was satisfied no property could be better managed. As it was, four-fifths of the rental received was laid out in the improvement of the property and in benefiting the tenantry. He believed the Irish Society to be entitled to every indulgence and support, in consequence of their liberal treatment of their tenantry. Coming as he did from the west of Ireland, he was anxious to encourage the introduction of capital with habits of business and improvement, as was proposed under the auspices of the city of London. He feared this Bill would have the effect of deterring English capitalists from interfering with Irish property.

MR. MONSELL said, the Members of the Irish Society could be heard at a future stage of the Bill; therefore, the present Motion appeared to be a most vexatious mode of defeating this Bill. He would venture to say, that in the south of Ireland, where this tenure was well known, the tenants were most anxious that the Bill should pass, and the landlords were not opposed to it. In fact, all classes in Ireland believed that it would confer great benefit on them. [Mr. F. FRENCH: Make it permissive.] It was very well for the hon. Member now to ask to make it permissive, when he had just stated that it should be postponed until certain Aldermen could come down to the House. The proceeding adopted was a factious mode of defeating the Bill by a mere side wind.

MR. NEWDEGATE said, that he had no personal interest in the matter, but he thought the Irish Society ought to have a fair opportunity of being heard. He would not persist in his Amendment for adjourning the debate.

Motion, by leave, withdrawn.

Question, "That the words proposed to be left out, stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Bill considered in Committee.

On Clause 1,

MR. F. FRENCH proposed the alteration of certain words, to make the measure permissive instead of its being compulsory.

MR. LAW supported the proposition. The House had refused to acknowledge in the case of copyholds the principle that a proprietor should be compelled to part with his property; and why should they in the present instance compel a landlord to give the fee-simple of his land to a tenant, whether he was willing or not? There was gross injustice in such a proposal. He objected also to the monstrous proposition that a landlord should be obliged to pay the costs incurred in defending his property before the Court of Exchequer or Chancery, and that the Remembrancer of the Court of Exchequer should have the power of conveying that man's estate in his name, and against his will.

The SOLICITOR GENERAL would say nothing with respect to the question of costs, as that was embraced in another clause. The question before them was, whether it should be compulsory on the original lessor to commute a leasehold tenure into a fee-simple. Now, the real owner of the estate was the lessee, the lessor having no right whatever to the property. They had heard much of the Irish Society; but estates held under this tenure were no more the property of the Irish Society than copyhold property was the property of the landlord. The real owner of the property was the lessee, with the perpetual right of renewal. Now, this view of the case did away with all those charges of injustice which were brought against the Bill. It was not correct that the Copyhold Enfranchisement Bill was thrown out on the principle. It was rejected because the details of the Bill were found not to be in harmony with the principle. It might as justly be said that the owner of the manors in England was the owner of the soil that belonged to the copyhold tenant, as to say that the lessor of those lands in Ireland was the owner of those lands.

MR. HUME had objected to the compulsory power given in the Copyhold Estates Bill for England, introduced by the hon. Member for Cockermouth, and they were now going to place the tenants of a certain description in Ireland in such a situation that they would be able to compel the landlords to change the tenure of their property. Surely if in England, where the landlords were to receive compensation, the House would not yield, it was monstrous to make the Irish Society subject to such enactments, when it would not get the slightest benefit from the change. This was a more stringent provision than he had ever before seen in an Act of Parliament. Under this Bill, also, the costs were to be paid under the direction of the Court of Chancery or the Remembrancer, by either the landlord or the tenant. This was a monstrous injustice, for by it the costs might be thrown on the unwilling party. It was, in short, an act of confiscation. The only question was, whether it should be compulsory on the original lessor or the person who represented him to commute the leasehold tenure into a fee-simple upon the payment of a fee-farm rent. Now, the real owner was not the lessor but the lessee, who had a perpetual right to the renewal of his lease, which right, it had been decided, in a great number of cases, could not be taken away from him. The hon. and learned Gentleman had alluded to the case of copyholds. The case was perfectly analogous with the present. The property held in Londonderry by the tenantry on the estates alluded to, was no more the property of the Irish Society than a copyhold estate was the property of the lord of the manor. He was entitled to certain rights and fees, but he could not get possession of the property or receive the rents. So it was in Ireland. In such cases as the Irish Society, they were compelled to grant new leases for ever, and because they kept up the word lease, it had given rise to an erroneous notion of the Bill. The Copyhold Estates Bill was not thrown out the other day because it was compulsory in its enactments, but because its details would not carry the object in view into effect. He denied that the Irish Society were the real owners of the land, but the lessees who held under them, and to whom it was proposed to give the real advantages of their position.

CAPTAIN JONES regretted to hear the hon. and learned Recorder say that the hon. Baronet the Member for Londonderry had a personal interest in the matter. The hon. Baronet might hold property under the Irish Society as a trustee, but he had no interest in the matter. He (Captain Jones) was also connected with Londonderry and supported the Bill, but he had no personal interest in the matter.

Amendment negatived without a division.

On the Question that the Clause, as amended, stand part of the Bill,

SIR J. GRAHAM said, as he understood the matter, the objection to the Copyhold Enfranchisement Bill, introduced by his hon. Friend the Member for Cockermouth, was, that it was compulsory on the landlord and not on the tenant. As he read this clause, it was open to the same objection. He conceived, that with regard to this as well as the other Bill, the House should proceed on something like fixed principles. It appeared that it was only where the reversionist was called upon by the tenant, that the deed of enfranchisement would be granted. It appeared to him to be very hard upon a reversionist, who had many of these lessees on his estate, that he should be compelled by some of them to convert their tenures into perpetuities, while others of his tenants, because they refused to make the application, would keep up the old tenure. He thought the power should be given to both parties.

The SOLICITOR GENERAL was sorry to say, the clause was open to the objection stated by the right hon. Baronet. It was exceedingly difficult to make such an arrangement as was desirable, as had been alluded to by the right hon. Gentleman. The present Bill would enable any one tenant to go to the lessor, and compel an enfranchisement subject to a fee-farm rent. The reason why the course suggested by the right hon. Baronet had not been adopted was, that such difficulties would arise as to the details that it would not be possible to carry them into effect.

SIR J. GRAHAM asked whether the provisions of this clause were the same as those in the Church Temporalities Bill?

The SOLICITOR GENERAL thought they were the same, but he would not at once pledge himself on the subject.

SIR J. GRAHAM said, he had objected to the Copyhold Enfranchisement Bill, because it was a one-sided measure; and he now found this Bill was open to the same objection. He thought there ought to be equal powers on both sides. The provisions in the Bill should be altered, so as to effect this object.

The SOLICITOR GENERAL said, the Clause should be reconsidered before the last stage of the Bill.

Ayes 71; Noes 21: Majority 50.

Clause agreed to, as were also Clauses 2 to 38.

The other clauses were also agreed to after a long and desultory conversation.

MR. LAW then proposed the introduction of an additional clause. The hon. and learned Gentleman said that it was painful to him to think that he was the only Member of the House present who was connected with the corporation and the Irish Society, and he had attended day after day in that House to protect the interests of both those bodies. As the legal adviser of the corporation, he was bound not to shrink from the duty of defending their interests. He should take the sense of the House as to this last effort he should make to except the Irish Society from the operation of this Bill:—

> "And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by, or duties or liabilities imposed upon, the Society of the Governor and Assistants, London, of the New Plantation in Ulster, within the realm of Ireland, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto."

Brought up, and read 1°.

Motion made, and Question put, "That the Clause be read a Second Time."

ALDERMAN SIDNEY felt bound to state that the corporation of London, as well as the Irish Society, had been treated very strongly at the present moment, when they were about to purchase land to a very great extent in Ireland for the purpose of improvement. Was this the time to take from them the management of their own capital? As the trust for the plantation was originally imposed upon them, he conceived they were justified in asking the House to be excepted from the operation of the Act.

SIR R. A. FERGUSON said, there was no difference between the leases in perpetuity granted by this society, and those given by any other owner. It was about eighty years since the Irish Society had been compelled to grant leases in perpetuity.

COLONEL DUNNE could conceive an opposition to the Bill, on the ground that it was objectionable on principle, or because it was a one-sided measure, but he could not conceive why there should be an exception in favour of the Irish Society. He considered the effect this Bill would have on that Society was one of the best parts of the Bill.

The Committee divided:—Ayes 10; Noes 88; Majority 70.

Bill reported; as amended, to be considered To-morrow.

CUSTOMS BILL.

On the Motion of the CHANCELLOR OF THE EXCHEQUER for the House to resolve itself into Committee on this Bill,

MR. NEWDEGATE said, the object of one of the clauses of the Bill appeared to him to be objectionable. The proposed mode of keeping accounts was unsatisfactory, as under it they would find it impossible to ascertain the real amount of consumption, except they deducted the quantity of articles exported from the quantity imported. If, under such circumstances, the official accounts were not more accurately prepared, and delivered at an earlier period, they would be comparatively useless. There was another clause in the Bill which he conceived was also objectionable. He alluded to the clause which proposed the reduction of the duty on embroidery. It was proposed to reduce the duty of 20 per cent now paid on embroidery and needlework from foreign countries to 15 per cent, and from British possessions to 5 per cent. In 1846, when the new tariff was under consideration, the present duty was imposed, and he could not conceive that sufficient reason existed to reduce it now. The duty paid on foreign embroidery and needlework imported in 1845 was 61,524*l.*, and in 1846 it was 76,320*l.* After the passing of the tariff by which the duties were reduced, the duty for the year 1846, on the same articles, was 116,346*l.*, and in 1848 it was 110,184*l.* The class of persons who would be more particularly affected by this proposal, were those who at present could hardly obtain adequate means of subsistence. When the difficulties of those poor women were increased in this way, many of them might be driven into the streets to endeavour to obtain food by the most revolting means to a mind of the slightest delicacy. Under such circumstances, he thought the right hon. Gentleman ought to abide by the duty imposed on those articles by the tariff of 1846.

The CHANCELLOR OF THE EXCHEQUER said, the only article affected in the way suggested by the hon. Gentleman was corn, but he hopod the House would not enter upon a corn-duty debate.

MR. NEWDEGATE said, he had not intended to excite a corn-law debate.

The CHANCELLOR OF THE EXCHEQUER did not charge the hon. Gentleman with attempting to do so. The only article to which the clause alluded to by his hon. Friend was corn. No other article subject to the payment of duty could be brought under it. As for the reduction of the duty on embroidery and needlework from 20 to 15 per cent, he did not anticipate the results stated by the hon. Gentleman. It was notorious that the class of persons referred to by his hon. Friend worked for very low wages, and he did not believe that protection would do them much good, or that the present reduction of duty would make any difference to them. The reason for the reduction of the duty was, that formerly embroidery and needlework paid the same duty as certain silk goods. A great number of articles which came from India, which were manufactured in a peculiar way, were, until recently, admitted as silk goods; but the Custom-house had decided that strictly and legally speaking they came under the head embroidery and needlework, and therefore had to pay the 20*s.* duty. He alluded to India shawls, and some other articles of a similar character. Under these circumstances, it was deemed desirable to place them on the same footing that they formerly were. He believed the proposed change would have a very slight effect.

The House then went into Committee on the Bill.

On Clause 12 being put,

MR. THORNELY expressed a hope that the Government would propose a measure to sweep away the absurd restrictions on commerce imposed by the quarantine laws. After the admirable report on the subject, drawn up by the Board of Health, there could be no excuse whatever for retaining them. This should be done without any reference to negotiations with foreign countries, as was the case with respect to free trade and the repeal of the navigation laws. The people of this country almost unanimously wished to get rid of these laws.

MR. ANSTEY wished he could agree with the hon. Gentleman as to the universal feeling of the country being in favour of getting rid of these laws. The hon. Gentleman must know, from his connexion with Liverpool, that many of the merchants of that place, trading with places on the Black Sea, were exposed to the most disgraceful regulations which could be devised by the ingenuity or malice of man, under the name of quarantine regulations, and under the pretext of protecting the health of the persons living on the coast of that sea. The whole object was on the part of the Russians illegally to exclude all intercourse of strangers with Wallachia and Moldavia. He knew on one occasion that some Members were prepared to bring the circumstances under the notice of the House; but a number of English merchants trading on the Black Sea urged those hon. Gentleman to desist from their intentions, as it might further impede, or altogether stop, all trade in that quarter.

The CHANCELLOR OF THE EXCHEQUER said, the subject was one well deserving of attention; but as this clause merely facilitated the taking of goods out of quarantine, the occasion was not a favourable one for the discussion of the whole question.

Remaining clauses agreed to.

Bill passed through Committee.

House resumed.

RAGGED SCHOOLS.

LORD ASHLEY then rose to bring under the notice of the House the state of a portion of the juvenile population of the metropolis. If he were asked why he had brought forward his Motion at so late a period of the Session, he must plead as his excuse his utter lack of opportunity to lay the subject before the House, owing to the interposition of other business day after day. But he nevertheless entertained a very strong desire that he should have it in his power to do so, not only on account of those whose claims he represented, but for the purpose of showing the House to what profitable use the small grant he had obtained last Session had been turned, and the prospects of success their past experience might encourage them to cherish. He had another reason, besides, for pressing the subject on the attention of the House—that he was anxious to excite some interest, and perhaps discussion, on the preventive, as contrasted with the reformatory system. Prison discipline seemed a favourite topic for all writers and speakers; and endless inquiries had been entered into with respect to the separate, the solitary, and the associated system of punishment, and with respect to summary jurisdiction and flogging and confinement. But he thought that there was really a system preliminary to them all, and one which was economical and efficient. If he could show that the preventive system was not only economical and efficient, but also truly humane, he would show enough to rouse every well-wisher of the people to a sense of the importance of the subject, whether viewed with reference to policy or religion. Last year he stated the number of that class whose interests he then attempted to represent at 30,000. He believed that estimate was very much under the mark. He then described the temptations to which they were exposed, and the great dangers which threatened society from the existence of that class. In the statement he should have to make that night, he would not be able to show any great improvement in these details. Any such improvement must arise from the application of another principle. So long as people were left in their present sanitary state, confined in courts and alleys, their dens and lurking places—so long as they were crowded together in the styes from which they found it impossible to escape, even so long they could not hope for any improvement in the social and physical condition of the people. But what he wished to bring under the notice of the House was the increase of schools, the improvement of the pupils, and the well-grounded prospects for the future. He wished to show the condition of the metropolis; and for that purpose would state the number taken into custody by the metropolitan police in 1847, as contrasted with the number taken into custody in 1848. In 1847, 41,479 males were taken into custody, of whom 8,405 were under 20 years of age, 3,228 between 10 and 15, and 306 under 10. In 1848, 42,933 males were taken into custody; of whom 8,776 were under 20 years of age, 3,604 between 10 and 15, and 312 under 10. The total increase in 1848 of males taken into custody was 1,454, of whom one half was under 20 years of age. But of those who had been taken into custody under 10 years of age—the class which chiefly attended the ragged schools—there had been an increase of only six. The whole number of males taken into custody between 10 and 20, a period of 10 years, was 12,691; between 25 and

50, a period of 25 years, 18,591; only one-third more. But, looking at the number of those tried and convicted, there appeared a great disproportion. Between 10 and 20, the males tried and convicted were 1,237, whereas the males tried and convicted between 25 and 50 were only 1,059. The same rule prevailed in Manchester, to which he simply referred as a very large town, the returns being characterised by the same accuracy as those for the metropolis. There were taken into custody in Manchester 1,037 males between 10 and 20, and 2,157 between 25 and 50. But there were tried and convicted 165 between 10 and 20; 193 between 25 and 50. Now, these returns showed the preponderating amount of juvenile delinquency. They showed also the possibility of applying the preventive system. The crimes were perpetrated at a period of life when the parties were open to the best influences, and were most capable of receiving permanent impressions. It was also clear that the seeds of crime were sown in early life, and would not, if they were then rooted out, grow up into rank maturity. Being anxious to ascertain the opinions of persons best acquainted with the subject, he circulated among persons having the charge of ragged schools, missionaries, and others, this question, "Do many adult males become criminals for the first time after 20 years of age?" From 43 committees he received the answer, "Very few." One said, "A small proportion, and these chiefly through drunkenness and want of employment. In London, many country people, and the Irish, become criminals after 20 years of age, and those chiefly from the above-mentioned causes." Another said, "I should say not one in fifty." Another, "I believe that among the lowest classes of society hardly any become criminal for the first time after 20 years of age." Such were the conclusions to which those persons were led, whose opinion he had sought as being most conversant with the circumstances of the poorer classes. Now, what was the condition of those to whom he wished the preventive system applied? That large class roaming over the streets of London, in habits, manners, feelings, and pursuits totally unlike anything with which people were acquainted in ordinary life, formed a seed-plot for three-fourths of the crimes of fraud and violence which prevailed in this metropolis; and what he said of the metropolis he said of every great city in the empire. A short time ago he was anxious to perceive with his own eyes what was the condition of these people—what was the state of their abodes, their lairs, their retreats for the night. He and others perambulated the metropolis. They dived into its recesses. The House would be surprised to hear what was the condition in which they found those young people. Most of them were living in the dry arches of houses not finished, inaccessible except by an aperture only large enough to admit the body of a man. When a lantern was thrust in, six or eight, 10 or 12 people, might be found lying together. Of those whom they found thus lodged, they invited a great number to come the following day, and then an examination was instituted. The number examined was 33. Their ages varied from 12 to 18, and some were younger; 24 had no parents; six had one; three had step-mothers; 20 had no shirts; nine no shoes; 12 had been once in prison; three twice; three four times; one eight times; and one (only 14 years old) 12 times. The physical condition of these children was exceedingly horrible; they were a prey to vermin; they were troubled with itch; they were begrimed with dirt; not a few were suffering from sickness; and two or three days afterwards two died from disease and the effects of starvation. He had privately examined eight or ten. He was anxious to obtain from them the truth. He examined them separately, taking them into a room alone. He said, "I am going to ask you a variety of questions, to which I trust you will give me true answers, and I, on my part, will undertake to answer any question you may put to me." They thought that a fair bargain. He put to several of them the question, "How often have you slept in a bed during the last three years?" One said perhaps 12 times; another three times; another could not remember that he ever had done so. He asked them how they passed the night in winter. They said, "We lie eight or ten together to keep ourselves warm." He entered on the subject of their employments and modes of living. They fairly confessed they had no means of subsistence but begging and stealing. The only way of earning a penny in a legitimate way was by picking up old bones. But they fairly acknowledged for themselves and others scattered over the town, with whom they professed themselves acquainted, that they had not and could not have any other means of subsistence than by begging and stealing. A large proportion of these young persons were at a most dangerous age for society. He had formerly met one very remarkable instance of a boy, past 17. He was struck at discovering that the boy knew the French language, and asked an account of his life. He said he had been in France at the time of the revolution, and had fought in the barricades. He and his mother had gone to Paris some four or five years ago. He there got into some employment; but, as the political atmosphere became warm, he yielded to its influence, and being enticed by French boys, his companions, he joined in the general warfare, fought at the barricades, was taken prisoner, tried, sentenced to punishment; and, at the expiration of his sentence, shipped for England. There were hundreds and thousands of others in London, as capable of being employed for the worst purposes as the Garde Mobile of Paris. And therefore it was that, for the peace of society, no less than its honour, he would direct the attention of the House to the subject. Again, what was the moral condition of those persons? A large proportion of them (it was no fault of theirs) did not recognise the distinctive rights of *meum* and *tuum*. Property appeared to them to be only the aggregate of plunder. They held that everything which was possessed was common stock; that he who got most was the cleverest fellow, and that every one had a right to abstract from that stock what he could by his own ingenuity. Was it matter of surprise that they entertained those notions, which were instilled into their minds from the time they were able to creep on all fours—that not only did they disregard all the rights of property, but gloried in doing so, unless they thought the avowal would bring them within the grasp of the law. To illustrate their low state of morality, and to show how utterly shameless they were in speaking on these subjects, he would mention what had passed at a ragged school to which 14 or 15 boys, having presented themselves on a Sunday evening, were admitted as they came. They sat down and the lesson proceeded. The clock struck eight. They all rose and went out, with the exception of one who lagged behind. The master took him by the arm and said—"You must remain; the lesson is not over." The reply was, "We must go to business." The master inquired what business? "Why, don't you see it's eight o'clock. We must go catch them as they come out of the chapels." It was necessary for them, according to the remark of this boy, to go at a certain time in pursuit of their calling. They had no remorse or shame in making the avowal, because they believed that there were no other means of saving themselves from starvation. He recollected a very graphic remark made by one of those children in perfect simplicity, but which yet showed the horrors of their position. The master had been pointing out to him the terrors of punishment in after-life. The remark of the boy was—"That may be so, but I don't think it can be any worse than this world has been to me." Such was the condition of hundreds and thousands. It was necessary for the peace of society that those horrors should be mitigated; but, looking to higher considerations, every one must feel the duty as well as the necessity which required that means should be taken to carry the knowledge of the Gospel to those classes. There were two modes of dealing with those cases: first, to wait till they committed crime; then to bring them to justice, and either transport them or confine them in gaol. The other was to take a preventive course, and anticipate the gaoler and the hangman by a system of wholesome discipline. It had been said in various instances that the case was a hopeless one, and there was nothing but punishment for such as these. He distrusted prison discipline altogether, he had no faith in it as a preventive, or as a mode generally of reforming individuals. Could hon. Members fail to observe how prison discipline had increased in severity of late years, and yet crime had not decreased in proportion? Nor could it decrease in proportion; neither would their prison discipline become effective for its purpose. That system might possibly become effective in certain cases—in the cases of those who had offended in wantonness, or who, on quitting gaol, had resources of their own, or friends on whom to rely. But, for the great mass of those who passed through the gaols, and who were afterwards discharged to recommence the struggle of life, what was usually known as the reformatory system had no effect beyond the walls. It was not his intention to question the utility of the institution at Pentonville, least of all whilst it had the advantage of the services of the present chaplain, of whose exertions for the reformation of offenders it was impossible to speak too highly. Pentonville prison had produced some remarkable and gratifying instances of reformation; but in almost all those cases the parties reformed had found profitable employment in the colonies. To understand how prison discipline failed as a reformatory system, it was only necessary to reflect on the fate of a person committed to gaol. In the first place, there was the long detention before trial, followed in some cases by imprisonment after conviction. Now, it was well known that persons so circumstanced usually came out of prison ten times worse than they were when they entered it. The testimony of those who could speak with authority was conclusive upon this point. The chaplain of the Preston House of Correction, said—

> "In 1840, I stated that, 'whether led astray for a moment by bad companions, or assailed by overpowering temptations, or driven by distress and hunger, or trained to vagabond and thievish practices, and, in all cases, with a mind totally unformed by education and uninfluenced by religion, the child of 14, or 10, or even eight years old, is now turned into a yard or 'day-room,' tenanted by 40 or 50 older criminals. Once here, his terrors of a prison soon vanish before the levity and merriment of his new companions. He finds them great objects of admiration; and many are the plunderers who can relate the most attractive stories of successful and daring robbery. Excited by these tales, he soon becomes ambitious of imitating the heroes of them. He is instructed in the arcana of the dreadful calling which he has entered upon by some adept in the craft, and thus a few weeks, or even a few days, before trial have sufficed to convert the child, who, until the verdict pronounced at that solemnity, was accounted innocent in the eye of the law, into a hardened profligate, prepared and tutored for a course of iniquity, and determined to run it. I could furnish a hundred histories of misery and crime springing from the pestiferous society of the untried felons' ward."

It was notorious that, in many of these prison yards, the inmates were initiated into all the details connected with thieving. It was customary to have all the characters of a thieves' drama enacted by boys. This account was given by one of the youngsters: "We have," said he, "after five o'clock, our time to ourselves; then there is the pickpocket, the gentleman, the lady, the policeman, and the magistrate. The gentleman walks about with a pocket-handkerchief hanging out of his pocket; and the lady, with her chains; they then show us the best and newest way of doing the business." The chaplain of Pentonville Prison remarked that—

> "It is not possible to convey to the mind of the reader any adequate idea of the extent of the corruption of mind, feeling, and character, or of the completeness of the education in crime, which goes on in the common gaols of the country, especially before trial."

Lord Denman was of the same opinion. In his evidence given before a Committee of the House of Lords, his Lordship said—

> "I am not reconciled to summary convictions, but I highly approve of frequent courts to try petty offenders of all ages promptly on the spot." . . . . "As long, however, as juvenile offenders are mixed up in our gaols with adults, no effectual improvement can take place."

He heartily concurred with Lord Denman in his suggestion respecting the establishment of courts for the trial of petty offences, and in his objection to increase summary convictions, because he wished the punishment of crime to be as tedious and expensive as possible, being of opinion that no remedy would be applied until the grievance became intolerable. Now, even on the very youngest, the fear of imprisonment had oftentimes little or no influence; true it was that the prospect of the first imprisonment was fearful to their imaginations, and this feeling would greatly aid the preventive system; but the second had fewer terrors, and all in succession afterwards were less and less apprehended. Many, indeed, of the lads sought the prison as a refuge for their wants, pressed as they were by constant and hopeless necessity. He would now for a moment draw the attention of the House to what he conceived to be the various causes of juvenile crime. Their name was legion; but the first great cause was the example and neglect of parents. Next came the various temptations to which children were exposed. A fertile source of crime was the reckless exposure in or on the outside of shops of articles of value, and particularly of food, which presented an almost irresistible temptation to hungry children. The number of penny theatres was another cause of crime, and a still more fertile source of evil were the casual wards. No less than 42 thieves out of 150, whom he once examined, confessed that the commencement of their career of theft was attributable to the corrupting influence to which they had been exposed in the casual wards of various unions. Those wards might be necessary; but, nevertheless, it could not be denied that they tempted numbers of children to leave the houses of their parents; and, when once they quitted their homes, they oftentimes never again returned to them. In some cases the commission of crime might be attributed to an inherent spirit of wantonness, in others it was referable to want of education, in others, again, to want of employment, and in many instances to a combination of both causes. In a few cases, the commencement of a criminal career might be traced to oppression on the part of employers, and in some it was the result of absolute want. Now, he would assert that the preventive system was not only more economical, certain, and humane, but that it was the only one possible. The prison had failed; criminals were not reduced in number; or, if they were, it was by the operation of means that partook more of a preventive than a penal character. He would contrast the effects produced by the system pursued at Parkhurst and Pentonville prison with those which proceeded from the scheme which the House of Commons sanctioned last year upon his recommendation. It was not his intention, he repeated, to deny that both the Parkhurst and Pentonville establishments had done good. But he wished to know in how many instances a permanently beneficial effect had been produced upon persons who, having quitted those places, had returned to their old haunts, and been driven to their old shifts to find employment. It was almost impossible, in the circumstances of the present day, for those convicted of crime, and bearing its brand on their forehead, to recover a position in society when driven to their old haunts and their old companions, exposed to their old temptations, and beset by their old necessities. The story which he was about to relate to the House, would furnish the strongest evidence of the truth of that proposition. In the course of last year he received an invitation from 150 of the most notorious thieves in London, asking him to meet them in some place in the Minories, and to give them his advice as to the best mode by which they might extricate themselves from their miserable way of life. He felt it his duty to accede to the request, and went to the place appointed, where he found, instead of 150, not fewer than 250 thieves assembled in a room. He entered into conversation with them, and addresses were made by several, the substance of which was, "We are tired of our mode of living; existence is a burden to us; we never know from sunrise to sunset whether we shall have a full meal, or any meal; we can get no employment—we have nothing but sorrow before us; give us your counsel as to how we shall extricate ourselves from our miserable position." He replied, it was a most difficult question to solve—that at the present day, so great was the competition for employment, that there were always three candidates for one situation—and that it was unlikely that a person who was stained by crime would be preferred to three persons of untainted character. Thereupon a man rose and said—

> "What you say, my Lord, is most true. All in this room have made attempt after attempt to get into some honest employment, but we have found that our tainted characters beset us everywhere. My own case is a proof of this. I obtained a situation, and held it for five or six months. I was satisfied with my employer, and he was perfectly satisfied with me. One day there was a knock at the door; I opened it, and in walked a policeman. He asked for my employer, and, when he saw him, said, 'Do you know that you are employing a convicted felon?' My employer said he was not aware of it, but the policeman assured him it was the fact, and then my master turned round, and dismissed me from his service. Thus I was driven back to my old courses, and I declare to God that the impossibility of obtaining employment compels me and many others to lead the lives we do."

Now, the reformatory system might succeed with discharged criminals if they were not pressed by actual necessity; but when they were placed in that position it was inefficacious, for in those circumstances human nature could not resist the temptation that overwhelmed them. He knew of one instance of a discharged offender triumphing over temptation; but he was a man of such determined character, that in order to persevere in the course of reformation which he had entered on, he endured the most wonderful privations—in fact, he lived the life of a martyr; but, by God's blessing, he ultimately overcame all difficulties, and was now in comfortable, nay, comparatively, affluent circumstances. The scheme which the House sanctioned last year, had produced as much permanent advantage at an expense of 1,500*l.* as could have been derived from the system in use at Parkhurst and Pentonville at an expenditure of 150,000*l.* or 200,000*l.* His scheme was to hold out a system of emigration as a reward of merit to a certain number of children attending the ragged schools. This scheme was doubly advantageous. It benefited not only those who emigrated, but those who remained, by inciting them to join the schools, and persevere in a course of good conduct, in order to qualify themselves for the reward held out. In this manner society, as well as the individual, was benefited. Can the same be said of any prison results? Has the reformation of any one prisoner been the signal for others without the walls to follow his example? A few extracts from letters written by some of the boys who had emigrated on the eve of their departure from England might prove interesting to the House. One boy wrote—

"I assure you, should it please God to spare my life and bless my industry, it is my intention not only to remit to England something for the support of ragged schools, but endeavour to stir up others to do the same."

Four of the best-behaved boys were presented with a suitable outfit and free passage from private sources, to the new colony of Moreton Bay, in Australia. The gratitude expressed by those lads, ere they embarked, was most pleasing, and before they left England, when it was clear that they would never see their benefactors again, they wrote the following letter to the Committee:—

"Gentlemen—We could not think of leaving England without expressing to you our most hearty thanks for all your care of us since we were admitted into the Refuge. We thank you for our protection, our education, and so worthy a master; and for our food and clothing. We hope so to behave as to comfort all your hearts. We may forget some we once knew; we never can forget the Committee."

The following letter was addressed to him as chairman of the committee for the boys by three boys who had emigrated:—

"Gravesend, April 8, 1849.

"We write to inform you we are arrived safe at Gravesend, and are quite well. We cannot express our gratitude to your Lordship for your kindness towards us, especially when we reflect on our past lives. When Mr. Nash took us under his care, he promised he would never leave us, and he never did, but he often told us to you we were indebted for ragged schools. May God bless your Lordship, may God bless Mr. Nash and every ragged school teacher; and we beg one favour of you, that you will open more schools, such as Mr. Nash's Dormitory, at Westminster, for there are many poor boys that would be very glad to get in them; and we do promise, through God's grace, to conduct ourselves with the strictest propriety, and open a Sunday school in Australia. You said you would pray for us, so we will for you, every day of our lives, and tell the people in Australia what kind friends you are to poor boys. We are your Lordship's obedient servants."

Now, this was a sketch of their biography. One of the boys who signed the letter was aged 16; he had long lived in a pigsty, and was taken from it to the Refuge; he had been seen seven times in prison, and when rescued from his miserable position was resolved to commit such a robbery as would entitle him to the benefit of transportation. Another of the boys, aged 17, had lived all his lifetime by begging and stealing; he was connected with a gang of thieves in Duck-lane, and slept under carts and on the steps of doors. The third boy, aged 15, lived by begging and stealing; he had lived for days together on the rotten apples in the Borough-market. Perhaps the House would here permit him to read some extracts from letters written by emigrants who had arrived at Australia. A boy addressed his mother thus:—

"Brisbane, Friday, December 22, 1848.

"Dear Mother—I write these few lines to you, hoping to find you in good health, as it leaves me at present. I have arrived with safety in the colony, after a long and wearisome voyage. I am in the depôt now, in Brisbane. I am engaged as a shepherd, or to be generally useful, to go to a place called Wide Bay, 120 miles further up the bush. The blacks are not very wild in the towns, but they are out in the bush, where they are wild; they catch kangaroos and eat them. Parrots and cockatoos are very numerous here; the natives will catch them for you, and give them to you, if you give them a piece of bread or tobacco. I forgot to tell you how much wages I am to receive; it is 12*l.* per year, and my rations and washing. I am very happy at present, thank God. So no more at present from your affectionate son,

"W—— S——."

A similar letter had been received from a boy named Flynn, who went out at the same time, who had also got a place to "mind sheep," as he called it, at 12*l.* a year, besides all his food, lodging, washing, &c. Another letter was in these terms:—

"Ipswich, Moreton Bay, December 26, 1848.

"I have a good situation as a gentleman's servant. I have 20*l.* a year, board, lodging, plenty to eat and drink. I have had a merry Christmas of it. There is plenty of work for everybody. We were no sooner at the depôt than we were all hired."

One of the girls wrote—

"I found the country better than I expected it was. I like the place very much. All I wish is, that my sister Susan had come out with me. . . . My dear teacher—I am happy. . . I have got a good place, for my mistress is more like a mother to me. Though I am thousands of miles from you and all my friends, yet you are always in my mind, and the old wall of the poor-school."

Contrast the moral and social condition of these children now with what it was. Those were samples of the effects produced by the emigration scheme. What had been the effect upon society at large? In order to ascertain that point, a series of questions had been proposed to the Committees of various ragged schools in London. The questions were as follows:—

"1. Has the plan of emigration acceded to last year by the Government been the means of stimulating the increase of schools, and the attendance and order of the ragged class?"

The answer was unanimously "Yes." The next question was—

"To insure all the benefits that ragged schools are capable of conferring, is it not desirable that, wherever possible, the reformed vagrants should, either by employment or removal elsewhere, be kept from returning to their old haunts and companions?"

The answer was the same. Then the third question was—

"Do they, in general, desire one or the other?"

The answer was the same. He then asked—

"With such inducements, a fair provision of school-room, and an adequate supply of proper teachers, would there be any difficulty in obtaining the attendance of three times as many children as are now receiving instruction?"

The answer was uniformly that there would be no difficulty at all. He thereupon put this question—

"Would it therefore be practicable to grapple with the existing race, and so greatly reduce juvenile delinquency?"

The answer was uniformly "Yes." By that the House might see the effect produced on society at large by this system, and when they considered that it was produced by a sum of 1,500*l*. only, he thought he had proved his point. It had effected as much good as their system of prison discipline with an expenditure of 200,000*l*. In relation to this point, he was very much struck by the testimony of one man who had given himself up to a vicious course of life; he visited one of the schools, and asked to be shown over it; after seeing it he said—"I approve of this very highly, and I shall subscribe a guinea a year." The answer was—"How can you do so; we know what you are?" To which he replied—"It is perfectly true: I know what I am; but if such institutions as this had existed when I was a boy, I never should have come to my present disgraceful condition." That was the testimony of one of the greatest thieves in the metropolis. Now, emigration was preferable to employment at home: first, because it abated the terrible competition of the present day; next, because it removed the young people far from their former haunts and temptations, and in another view, because they were thereby relieved from the infliction of excessive labour. They might depend upon it that one great cause of juvenile delinquency, where the delinquents had been in employment, was the excessive toil to which they were subjected, and from which they fled to dishonesty as their only resource. Two cases of that excessive toil had come to his knowledge, fair specimens of the whole apprentice-system. From the ragged school they had apprenticed a boy to a shoemaker. He (Lord Ashley) saw him the other day; the boy made no complaint; but, on inquiry, he found that the boy began work every morning at half-past five, and continued working until half-past ten at night. He said to the boy—"This is pretty severe, but I conclude you have the Sunday to yourself?" The boy answered—"No, only Sunday afternoon, as I am kept at home to nurse the baby." That boy might resist the temptation, but 19-20ths of those who were so exposed would flee from their master's house and take themselves to an evil course of life. The other case was that of a little girl, who was also apprenticed. He found that she was engaged from four o'clock in the morning until ten or eleven at night, and so far from having Sunday to herself, she rose on that day at half-past five, and was engaged until half-past four in washing. He wished now to consider the arguments for and against this proposition. One argument that he had heard against this scheme was, that if they did this for the children of the metropolis, they would be called on to do the same for the children of the other great towns in the country. That was perfectly true, but they might depend upon it that if they were to expend upon such a project 100,000*l*. a year, they would save ten times that amount in criminal prosecutions and penal expenditure. The next point was, that it would tempt the parents to neglect their children, and to abandon their duty to be performed by the State. He was of a different opinion. In the first place, a very large proportion of those children had no parents at all. He desired the House to observe that fact. In the second place, not a small proportion of them were the children of convicts; and, in the third place, the parents of many of the children were so poor that it was next to impossible they could make any provision at all for them. He would read an extract from the last report published a short time ago by the London City Mission:—

"The poverty of those who avail themselves of the benefits of this institution (Glasshouse-yard) is such, that the average number of articles brought by each washer is less than seven, even when the family apparel is included; and the matron has frequently to lend them dresses to wear while they wash those they take from their backs.

> Their poverty is indeed such, that Mr. Bowie, a surgeon in the east of London, says, 'I have seen women toiling unremittingly to wash their own and their children's clothing, who had been compelled to sell their hair to purchase food.'"

Now, would they dispose of those children by sending them to the workhouse? Let them consider the result of such an arrangement. The number of children of that class roaming about London exceeded 30,000. The number of children in the unions in England and Wales already amounted to 56,000; and if they added this 30,000 to that number, they would fail in the object they had in view, and throw an intolerable burden on the ratepayers. But suppose they did that; was a workhouse system of education such as would give them more confidence in the success of their undertaking? He was not going to speak disparagingly of the unions, many of them were most excellent, and he was sure that so long as the administration of the poor-law was under the care of the right hon. Gentleman the President of the Poor Law Commission, everything would be done to render the management of all unions as excellent as it could be. But the result of the education at the workhouse, when the children quitted the unions, was most calamitous. Not one in fifty, he believed, occupied that situation in life which they would wish it to occupy, morally or socially. As a proof of that, he would read the following report of the guardians of Marylebone, which appeared in the *Times* of the 11th of July instant:—

> "Hitherto the system of education," says the report, "has been quite unsuccessful, which may be thus demonstrated:—From July, 1840, to July, 1849, 326 female inmates, between the ages of 13 and 20, have been provided with 896 situations from the workhouse, being an average of nearly three situations to each.
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> "There were 46 who left the school at the age of 13; 103 at 14; 72 at 15; 44 at 16; 18 at 17; 20 at 18; 12 at 19; 11 at 20; Total 326. Of these 89 are now leading abandoned lives; 20 have had illegitimate children that have become chargeable; 37, after having had several situations and outfits, have emigrated; 10 are married; 1 passed; 7 dead; 10 are receiving relief either in or out of the house; 45 are supposed to be in service; 99 nothing certain is known; 8 taken out by friends. Total 326.
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> "Of the boys, only one class could be traced, namely, those who had been apprenticed to the captains of vessels in the merchant service. From 1843 to the end of 1847, 137 youths, from 15 to 18 years of age, left the workhouse and engaged themselves in the sea service, as above described, and of these 83 returned and became subsequently chargeable."

The fact was, that the workhouse system was, of all, the most ill adapted for training children of that class for the service to which they were to be devoted, and therefore he should hope they would not think of consigning them to the workhouse, with a view to advance their morals, or better their condition. They looked, perhaps, for a remedy in the general amelioration of society: they were right; but they must wait a long time; and meanwhile they had a positive evil of great magnitude to grapple with, and the question was, how they should encounter it? Would they leave those 30,000 children as they were? If they did, they could not be surprised if they grew up in habits of fraud and violence, and became the subjects of the Judges and transportation. Let him describe the hopeless condition of those children. He had examined several of them. He asked them, did they ever seek for employment? Their answer was, "Repeatedly." But let it be remembered, that they were generally in an utterly filthy condition, covered with vermin, with hardly any clothes to their bodies, wholly unable to read or write, not having, in fact, the least elements of knowledge; and the consequence was, that their application for employment was met with such answers as these: one would say—"How can you ask for employment in this filthy state? go and get new clothes." That was, in fact, a rejection, for the wretched children had no means of getting clothes, and only got their food by picking up scraps, begging, and stealing. Another would ask, "Can you read or write?" The answer was, "No;" and the reply followed, "How can you come here without knowing how to read or write?" But how could the children learn, when they had no school to go to—when they had no opportunity of acquiring the first principles of knowledge, sacred or profane? How, then, obtain a subsistence? The necessary, the inevitable consequence was, that the children were driven to crime and hopeless ruin. He wished the right hon. Gentleman the Home Secretary would tell him how he, as responsible for the peace of the country, would address himself to this evil? How would he, in his high office, attack the mischief? Now, what was their (the ragged school) system? They received the children in the evening, in their rags, and at their own hours. They addressed themselves to their habits, feelings, and propensities, and bent themselves for a while to their irregular habits, until they could bend the children to their better principles; he asserted that, in no one instance, had the parents been induced, by such expectations, to abandon their children. Was the inducement strong enough? Did it exonerate them from the charge? When they took the vagrants into the ragged school, and held out the hope of emigration, it was coupled with these conditions—conditions required of every candidate for emigration from the Government grants, or from any fund under the control of the Chairman of the Ragged School Union:—

> "Sound health; regular attendance for at least six months in a ragged school; the ability to write a sentence from dictation; to work the four single rules of arithmetic; to read fluently; to repeat the Lord's prayer, and the Ten Commandments; showing a comprehension of their meaning, and answer a few simple questions on the life of our Saviour. To these must be added a certificate of regular attendance in some industrial class for at least four months, or a competent knowledge of some handicraft, or practical occupation, which would serve as an equivalent for such industrial training."

Now, along with all this, the child must be maintained, and maintained, too, during the process, by its parents or guardians; they must bear their share in effecting the reformation, in preserving the good conduct, in supplying the necessities of the young candidates; and, so far from being tempted to the crime of desertion, they had been oftentimes themselves reformed by the process. And now, Sir, revile the system, and criticise it as they may, these ragged schools have been, and are, the sole means whereby religious and secular knowledge is imparted to the thousands of a race sunk, whole fathoms deep, in destitution and suffering. This is decidedly the opinion of that intelligent gentleman, Mr. Tufnell, the Government inspector of schools, who was engaged to examine the young pupils or candidates for emigration. You vote 100,000*l.* a year for the purposes of education; you might, so far as these miserables are concerned, vote one hundred pence; they cannot receive any portion of your bounty—they cannot be accommodated to the system of your National and Borough-road schools. What other means exist? We have now 82 schools, full 8,000 children, 124 paid, and 929 voluntary teachers, of whose services I cannot speak with adequate gratitude and respect. In weariness and painfulness, and with every form of self-denial, they surrender themselves, body and soul, to this noble cause, hoping to excite, in others, a kindred sympathy. But they are not successful; the sympathy with the cause is lamentably small, and especially from those who should be the very first in every work of charity and religion. There are, thank God, some glorious exceptions; we owe much to a few active laity, some pious clergy, and a munificent lady, who has, alone, sustained nearly one half of our expenditure. But it is manifest that we must not confide in private benevolence; it has the power, but not the will, to contend with the evil. It is then to the House of Commons that we direct our attention, in the hope that the Legislature will take up the duty that individuals seem to reject. I can hardly appeal to your feelings, because you appear to me to lie under an obligation to consider the case of these desperate sufferers. "Their enemies drive them into the sea, and the sea throws them back upon their enemies;" and yet they are immortal spirits, as precious, body and soul, in the sight of God, as the very best among us in this august assembly. I commit, therefore, the issue to the representatives of the kingdom, believing that they will not gainsay, by their actions, what so many of them profess with their lips, when they pray that "it may please God to defend, and provide for the fatherless children, and all that are desolate and oppressed."

Motion made, and Question proposed—

> "That it is expedient that means be annually provided for the voluntary emigration to some of Her Majesty's colonies of a certain number of young persons of both sexes, who have been educated in the schools ordinarily called Ragged Schools, in and about the Metropolis."

SIR G. GREY had no wish to undervalue the importance of these ragged schools, which he had on a former occasion declared to be of great advantage to the interests of society, and which provided the means of educating a class of the population who had peculiar claims to their attention. Great credit was due to Mr. Sheriff Watson, of Aberdeen, and other individuals who had set the example which had been followed by the noble Lord. He would not enter into that part of the noble Lord's speech referring to prison discipline, with which the noble Lord could not be so well acquainted as with the ragged schools, or he would not have compared the benefits resulting from the emigration of children belonging to the ragged schools with the results of the prison discipline at Parkhurst and Pentonville—a comparison which had no foundation. The noble Lord said, that the boys from these prisons had relapsed into crime when they were thrown loose upon society. But it was not the fact that these lads were thrown loose upon society. They were all prisoners under sentence of transportation, and they were all sent abroad and enabled to earn an honest living. The youths sent from the ragged schools had, no doubt, expressed themselves in gratifying terms respecting their position in the colonies; but when the noble Lord spoke of the permanent results of Parkhurst and Pentonville, and of the emigration from the ragged schools, he begged to remind the noble Lord that these permanent results had yet to be tested. At the same time, he believed that these lads would be permanently benefited in the greater number of cases, as was however also the case with the lads sent from Parkhurst and Pentonville. He was sorry the noble Lord had held out to the House that the emigration recommended by him would establish any such system as to make it unnecessary to maintain our prisons. He could not recommend the House to adopt the view of his noble Friend, that by a large system of emigration, such as he recommended, any sudden change in society could be produced, or that the House could, by adopting it, anticipate that gradual progress of amelioration which, by other means, was going on in this country. He desired to see ragged schools extended as widely as possible; but when his noble Friend said that "in 1848 there has been an increase of juvenile delinquency; see what prison discipline has done," he (Sir G. Grey) might say, "In 1848 there has been an increase of juvenile delinquency; see what ragged schools have done." It might be advantageous to hold out the prospect of emigration to some of these children; but his noble Friend's Motion went to the removal *en masse* of a large class of persons that, he said, constituted the nursery of crime. His noble Friend said that the persons for whom emigration was to be provided were not to be considered as having committed crime. But all the instances he had given were those of lads who got their living by crime; and the House should be careful of the danger of establishing a premium upon crime by asking Parliament to pledge itself to make some annual provision for so great a boon to this as distinguished from other classes of society. Last year, Parliament placed a small sum at the disposal of his noble Friend, acting in conjunction with the Emigration Commission; and a letter was addressed by the Under Secretary for the Colonies to his noble Friend (Lord Ashley), which he (Sir G. Grey) would read to the House:—

> "There are evident reasons why the privilege of a free passage could not with safety be held out to a greater extent than as a prize to a small number of the most deserving and regular of the children who come to the ragged schools. For the benefit is one which in reality would be most acceptable to vast multitudes of honest parents and children for whom they can find no certain or adequate provision in this country; and to look to emigration on a large scale as a means of entirely removing the class of children who are neglected, would be to hold out a direct stimulus to parents to cast off their children in order to secure for them this great boon. It is only whilst the indulgence is confined in its character to that of a prize conferred upon comparatively few children, that this objection can be escaped. Considerations of a similar nature appear to Her Majesty's Government to show that the measure is not one which could with propriety be made the subject of an annual application to Parliament for a grant out of the public funds. The ragged schools, as your Lordship is aware, have hitherto been entirely supported by the private subscriptions of benevolent individuals; and while the advantage of a gratuitous education is not extended to the children of the working classes generally, it is absolutely necessary that the single exception of a public grant should not be made in favour of those parents who throw aside their children, but that the schools provided for them should preserve their present character of charitable institutions maintained exclusively by voluntary contributions. The same reasons are applicable against asking for a grant of public money from year to year for the benefit of this particular class of children, as distinguished from those who are better taken care of by their parents. The opinion of Her Majesty's Government, therefore, is, that for the future the finding of means to remove to the colonies the most meritorious of the children attending the ragged schools must depend on the same voluntary sources as the other provision for those institutions. But, understanding from your Lordship that probably an inconvenient delay would attend any attempt immediately to raise funds for the purpose by subscription, and that the object could be more easily accomplished after some examples of a successful emigration of the children, the Government is unwilling not to offer some aid towards commencing the experiment."

The sum voted by Parliament last year was 1,500*l.*; but, looking to the arguments by which his noble Friend had advocated the removal of what he had described as a dangerous element to society, he found that there were 30,000 children in the metropolis alone, the cost of whose emigration, at 10*l.* a head, would be 300,000*l.* Then there were 50,000 children in the workhouses, and all that his noble Friend had said of the others applied to them also. He could not advise Parliament to enter upon a plan of emigration which should apply to these classes alone. Their removal to the colonies could only be a part of a large and general scheme of emigration, in which other classes of the community should benefit. The children of the metropolis must not only participate in it, but the children of other large towns. He had received communications from Glasgow, complaining that the children there were not admitted to participate in the grant made to the London ragged schools. They would be bound, therefore, to apply the principle equally to all the large towns of England, Scotland, and Ireland, and also to the rural districts. The results of the grant made last year had equalled the expectation of his noble Friend, and now the rest must be left to the charitable assistance of individual benevolence. The noble Lord denied that the application of the grant would lead parents to neglect their children. But if it should appear that these 30,000 children in London, and those in the large towns, had been supplied with the means of emigration because they were destitute and neglected, he could not conceive any more direct premium upon parents neglecting their children in order that they might gain the benefits of this Parliamentary grant. The value of these ragged schools, and of the emigration of the better conducted children, was becoming so well known, that he was persuaded there would be no difficulty in obtaining from private benevolence the funds necessary for their support. But if Parliament interfered, persons would be deterred from coming forward with their contributions. The noble Lord said that these ragged schools could not obtain any portion of the funds voted by this House for the purposes of education. He (Sir G. Grey) was present at a meeting of the Committee of Council for settling the conditions on which assistance might be given to the ragged schools; and if the latter could be brought under the rules that Parliament had laid down, there would be no indisposition on the part of the Committee of Education to give these schools their fair share of the Parliamentary grant. His noble Friend had asked him how he proposed to clothe and maintion these neglected children, if he opposed the Motion. Now, he was not prepared to answer that question. It was not the duty of Parliament to provide for the maintenance and support of any portion of the population; and it was not by providing a fund for the emigration of a certain class that they would enable people to bring up their children honestly and decently. His noble Friend must carry his proposition much further, or he would do great injustice to the parents of those children who, although well brought up, were unable to obtain employment in this country, and who would be too thankful to have them sent abroad at the public expense. He had received a representation from the foreman of the grand jury at York with reference to persons imprisoned for sedition and crimes connected with the state of the country, stating that those prisoners were convinced of the errors and follies of which they had been guilty, and that they dreaded being thrown back upon the society in which they had mixed. The grand jury, therefore, asked him (Sir G. Grey) to supply the funds for the emigration of these persons. Now, no doubt, in some of these individual cases emigration would be beneficial; but he had to ask himself whether it was right that crime should be the stepping-stone by which these persons should attain a boon which many honest and industrious persons who had never committed crime would gladly possess. He had, therefore, replied, that he had no funds at his disposal which would procure the means of emigration for these parties. The House must look at the interests of society as a whole, and he therefore called upon them to oppose the Motion of his noble Friend.

MR. PAGE WOOD was glad the experiment of last year had been made, and yet he did not see his way to any extension of the grant, or to its being voted in perpetuity. He wished the case of orphans in our workhouses could be considered in relation to the same subject. It would be very desirable if any attempt could be made to send them to the colonies. It was obvious what all such propositions as the one before the House would lead to. There would be claims made from the National Schools, from the British and Foreign Schools, and from all schools connected with the Church and with Dissent. Nothing could be more dangerous than for the Government to interfere in such a manner that they should seem not to prop up the honest and industrious, but those of an opposite character. A friend of his, a magistrate in Essex, had told him that a widow in his neighbourhood who was bringing up her son honestly, said, that she was, to her sorrow, frequently tempted to let her poor boy take something, in order that he might be sent to Chelmsford gaol, where tailoring was taught. This showed that there were difficulties connected with the question, and should warn them against being led away too far by their benevolent feelings. He had not objected last year to give a small sum for the aid of these schools. A small gift such as that, operated like the educational grants of the Government in encouraging the voluntary exertions of others; and he should not have complained if a similar amount had been asked for on the present occasion, though he thought it by no means desirable that it should be converted into a constant grant. If any constant grant were made, it should not proceed from the public purse, but from the rates, and under the immediate control of those who contributed to the grant. He thought some little burden thrown on the ratepayers might act as a stimulus in making them look after the wretched condition of the poor children in their districts. With respect to the ragged schools, the noble Lord said that they had not met with that general support which they deserved from those who were able to assist them; but the reason was, because according to the noble Lord's description, the same strict discipline was not maintained in the ragged schools as in the National and British and Foreign Schools. [Lord ASHLEY: No, no!] Why, on a former occasion the noble Lord said, that great temper and management were required in the conduct of these ragged schools, and he praised a schoolmaster, who was tripped up by a scholar and had a severe fall, for affecting to believe that he was tripped up by accident. The great advantage of the ragged schools was, that they had induced persons to look after the necessities of that hopeless and pariah class of children who now attended these schools; and he could not speak in terms of too high praise of the noble Lord and all who had assisted him in inducing them to come to the schools; but when once brought there they ought to be treated like all other children, with gentle kindness, but at the same time they should be subject to wholesome discipline. He should not have said so much if it had not been for his strong desire that the cause which they had at heart—the providing a sound religious education—might not be damaged by a wrong step. Voluntary exertions derived a stimulus from a slight State favour; but the moment the proper limit was over-reached those exertions became paralysed.

LORD ASHLEY shortly replied. He denied that he had spoken disparagingly either of the discipline, or its effects, of the Parkhurst or Pentonville establishments. On the contrary, he had expressly stated that these institutions had produced great reformatory effects; but they had produced these effects only in those cases in which work was provided for their discharged inmates in this country or in the colonies—not in the cases where the convict at the close of his period of imprisonment was thrown upon the world again to re-fight the great battle of life. He had to complain of the statement made by the hon. Member for the city of Oxford, who had just sat down, which was in fact quite a perversion of what he (Lord Ashley) had wished to convey. He had never praised the ragged schools because no discipline was maintained in them. What he had said was, that at the outset the habits of the children were so wild and lawless, that no discipline could be preserved, for, say the first fortnight or three weeks. But he had added, that the general result was, that the children were soon tamed down, and brought under regular habits of discipline; and he could answer for it that, in a vast majority of cases, the scholars of ragged schools were as orderly, as attentive, and as much attached to their masters as were the pupils of 19-20ths of the British and Foreign or the Borough-road schools. As he saw that there was a strong feeling in the House against the proposition which he had submitted to them, he felt that it would be indecorous in him to press it to a division; and he would, therefore, without further trespassing on the time of the House, at once withdraw his Motion.

Motion, by leave, withdrawn.

BRITISH GUIANA.

MR. HUME rose to move the resolutions of which he had given notice with respect to the colonies of British Guiana. At the hour at which he rose, and in the thin House which he addressed, he would not attempt to go into the question fully, but would content himself with laying down those principles on which, in his opinion, the House ought to act in furtherance of the great object of rendering the colonies of this kingdom satisfied with and benefited by their connexion with the mother country. Such, however, had been the course pursued, that we had not only rendered many of these colonies a burden to the country, but had interfered with their natural advancement, while as to those colonies in the western hemisphere, which we had so much prided ourselves on possessing, they had actually been reduced by us to a state of ruin and beggary. The object of his hon. Friend the Member for Inverness-shire, in moving for the Committee which had sat upon the subject, was to bring before the House the condition of two particular colonies, which he (Mr. Hume) believed to have suffered from a degree of misgovernment which had brought ruin on the colonies themselves, and disgrace on the mother country. It was with that view that he had seconded the Motion. The Committee proceeded to inquire into the state of that colony. By a large blue book, which had been produced, it would appear that they had availed themselves of documents furnished by the Colonial Office, but which, he was of opinion, taken in connexion with the absence of parties from the spot to substantiate the case, were insufficient for the purpose. In that Committee there had not been that assistance rendered which there would have been had parties conversant with the grievances complained of been present. Owing to the absence of such parties, the investigation had necessarily been unsatisfactory. The Committee had nevertheless made a report, and it was because he disagreed with the conclusions which it contained, that he was anxious to bring the case under the notice of Parliament. He complained that that report was inconsistent with the facts; but, as it was the report of the majority, the House was bound to receive it. What he should have liked would have been a distinct decision with respect to the conduct of the colonists and the Colonial Government; but he could only characterise the report as a half-and-half report, meagre in its conclusions, and hardly entitled to be called a report at all. As it presented the most urgent case for investigation, the Committee had proceeded with Guiana instead of Ceylon. It was said at the time that the supplies for the colonies had been stopped, and that the Colonial Cabinet and their House of Commons were at variance with each other. It would have been in the power of the Government to have taken a wiser course between December, 1847, and the present time, than to have allowed the Colonial Office and the colonists to have remained in a state of wanton antagonism and opposition with each other; but the decision which had been arrived at was inconsistent with both law and fact—a circumstance which he could only account for on the supposition of unwillingness to come to a positive decision on the subject. The Committee, in their report, stated that on a review of the circumstances of the case referred to them, they were of opinion that the Crown was entitled to insist on an adherence to the civil list, drawn up in pursuance of an arrangement in 1844, for the full period for which it had been granted; and they thought that no attempt, direct or indirect, to set that arrangement aside could be justified. At no remote period, they said, that list would be open to review; and the Committee recommended that when vacancies occurred they should not be filled up pending the settlement of the matter in dispute. The only other paragraph of the report to which he would refer, was the one in which the Committee stated, that whilst they refrained from offering any opinion on the subject of constitutional reforms, they suggested that any changes with respect to British Guiana should be effected in friendly concert with the colonial authorities, and that a greater control over public affairs should be conceded to the legislature of the colony. The first point to which he would address himself was with respect to the reductions in the civil list. Were the colonists justified in making the reduction in the civil list in the altered commercial circumstances which surrounded them? Now the Act of 1846, which reduced the price of their commodities to so low a point, that in this country they sold below prime cost, was the cause assigned by the colonists for their ruin, and supplied a reason for reduction in the expenditure of the colony. Earl Grey, as the head of the Colonial Department, contrary to both reason and law, refused the request of the colonists. He (Mr. Hume) therefore, arraigned the conduct of the Government with respect to this question of the civil list, as not only being deficient in prudence, but as being positively illegal. First, with respect to the legal part of the question. A similar occurrence had taken place in 1840 and 1841. The colony of Demerara was governed by a Governor and two courts—one a Court of Policy, consisting of five elected members and five official members; the other consisting of the whole Court of Policy, and five or six other elected members, forming a Combined Court. In the Court of Policy the Governor presided, and in pursuance of the orders of Earl Grey the official members were always to vote with the Governor, so that there were five votes with him, and five with the elected members. The Governor had a double vote, so that in every question brought forward by the Government the Governor had a casting vote. But the Court of Policy had no power to provide or to pay the money; and they were obliged to have recourse to the Combined Court, which consisted more of elected than of official members, and in which the colonists had a majority. The Combined Court was like our own House of Commons. The estimates for 1848, brought in December, 1847, were opposed by the elected members as being too large. They made a powerful appeal to the Government to be allowed to prepare to avert that ruin which they stated they saw impending, by being allowed to reduce all salaries above 700 dollars 25 per cent. They requested the sanction of Earl Grey to the proposal, which they deemed a prudent and a wise one. Earl Grey returned a decided answer, that he would not allow the reduction in the civil list to take place, but that the court might make all and any other reductions in the expenses of the colonies they pleased. True, the civil list was then only 30,000*l.*; but the colonists never for a moment doubted that Earl Grey would refuse their proposition. The arrival of the answer of Earl Grey was expected. Governor Light promised to postpone the estimates until the 15th of May, in order to give time for the reception of the reply; but notwithstanding that the arrangement was made an order of the day, on the 11th of April Governor Light brought in the estimates, and by his casting vote in the Court of Policy succeeded in carrying them at the original rate fixed. Now he (Mr. Hume) first complained of a breach of faith in Governor Light in hurrying on the estimates after the promise he had given; but when the answer of Earl Grey arrived, he declared that no reductions should take place, alleging the bargains which had been made, and stated that until 1854 no such reductions would be considered. On referring to the report of the Committee it would be seen that the Colonial Office had acted in this matter with heartlessness and obstinacy, Earl Grey having directed that the whole of the supplies should be collected, and not a portion of them. The supplies were stopped in consequence, Parliament was blocked up, and the colonists and the Colonial Office had been in a state of antagonism ever since. Now, Earl Grey had no objection to Lord Harris making such reductions in Trinidad as he might think fit; and the colonists of Demerara, believing themselves to be in the same category with respect to the depreciation of their produce, felt that injustice was done in the refusal to grant them the same privilege. It would appear, from the conduct of the Government in this affair, that the Colonial Office could not be induced to contemplate the dreadful state of that colony by allowing the inhabitants to make the desired reductions in their civil list. In 1841, when a similar occurrence took place, and the supplies for the civil list were stopped, the noble Lord at the head of the Government, who was then Secretary of State for the Colonies, finding himself at a loss what course to pursue, and being ignorant of the law on the question, directed Mr. (now Sir James) Stephen, a gentleman of great research and ability, to draw out a case for the opinion of the law officers of the Crown, who were then Dr. Dodson, Sir Thomas Wilde, and Sir John (now Lord) Campbell. These gentlemen gave clear and distinct answers to the questions submitted to them. It was rather singular that in 1840 the same means were had recourse to as recently. When the Governor found that the Combined Court would not pay the civil list in 1840, the Court of Policy carried an ordinance granting the continuance of the civil list. The ordinance came home to England, and the noble Lord then at the head of the Colonial department directed the law officers of the Crown to say whether it was valid or not. The answer to this question was, that the ordinance would be useless, unless the Combined Court supplied the money. The Combined Court did not do that, and Sir Henry M'Leod proceeded to British Guiana, in order, if possible, to settle the dispute between the Governor, the Court of Policy, and the Combined Court. Sir Henry M'Leod carried out the opinion of the law officers of the Crown as a guide to him in his operations. The opinion of the law officers was clear. The Crown had no control over revenue, except over a capitation tax on slaves. The question then came, how was the money to be provided? The answer given was clear. As, since the acquisition of the colony to the period of giving the opinion, the Court of Policy was declared to have the power to fix the estimates, and the Combined Court to provide the ways and means and vote the money, if the Combined Court refused to vote the money, the only means of getting redress was to come to the Imperial Parliament. Now, the colony at this moment had come to the very point he had described. The Combined Court had refused to vote the money, and a dispute difficult of settlement had arisen. In 1840 the elected Members had been induced to agree to the civil list on the understanding that they were to have the advantage to be derived from the immigration of labour. Matters continued in this state until 1844, when the Government sought an extension of the civil list, which would have expired in 1847. The colonists complained that the promises of the Government had been broken. They said that certain vagrant laws had not been passed according to promise, and that many other facilities for the improvement of the colony (which they had been led to expect) had been denied them. In 1844 they said they had the protection of the English market, which they thought would have been continued to them. Certainly it was singular that after the abolition of slavery the Government should have attempted to raise the civil list. With respect to protection, he had not complained of its withdrawal from the colony, although he had urged that its operation should have been gradual, and that the colonists should have been enabled to obtain labour necessary to the cultivation of the soil. The treatment of the colony, however, had been heartless and severe; and the refusal of reduction by the noble Earl at the head of the Colonial department, was culpable in the highest degree. What was the noble Earl's ground of defence? The noble Earl said the colonists agreed to continue payment of the civil list till 1854. They did; but on the arrival of the immigration ordinance, passed at the same time, in England, it was rejected. The consequence was another ordinance, which never received the sanction of the Combined Court. The noble Earl also contended that it would be wrong to make any reduction in salaries granted on certain conditions, and for a certain time; but the colonists insisted that the legal ordinance only extended to 1847. The new ordinance passed in 1844 was not a legal ordinance. On Governor Walker succeeding Governor Light he summoned the Combined Court, and their first vote was a reduction in the civil list from 39,000*l.* to 26,000*l.* The Governor objected to the reductions, but the vote passed in due form. After this had been done, Governor Walker suspended the Combined Court, and it remained suspended until the arrival of Mr. Barkly. It was not supposed that Mr. Barkly was furnished with any definite instructions. The manner of that gentleman's reception must have been very gratifying; and he was looked upon by the colonists as a friend who would settle all their differences. Governor Walker willingly received supplies for three months; but after the receipt of Earl Grey's letter, he said that for the future he could only accept as a whole. Matters remained in this situation until Mr. Barkly arrived. From his speech it did not appear whether he had received any instructions or not. Under Governor Barkly the colonial legislature proceeded to the other votes; and they went through them, to what extent he did not know, because the Government refused to lay the information on the table, although he had repeatedly asked for information, and given notice of his Motion several weeks ago; and he could only suppose they were afraid to lay the documents on the table for fear of giving information. But, speaking from the reports in the papers sent home from the colony, it appeared that one of the elected members asked Governor Barkly, the supplies being stopped, how he was paying the salaries, and where he got the money from? There was money in the chest, and the elected members, believing that the Governor had applied that without their authority, declared that he was acting illegally and unconstitutionally, and wished to enter their protest against the proceeding. The Governor would not allow them to protest, nor permit the discussion to go on, but shut the door, and the colonists again complained that he was adding insult to injustice, not even allowing them to discuss the matter in the Combined Court. They therefore complained, and had sent home the petition that had been presented, setting forth their grievances; and in this extraordinary state matters had gone on up to the 12th of May, since which he was not sure that he had any later accounts. He had read to the House the opinion of the Committee, all the witnesses examined before which recommended a reform in the constitution of that colony. The colonists wished to do away with the old Dutch practice, and to have a representative body, with a responsible government, and the Committee recommended that a change should be made consistent with the feelings of the colony. Governor Barkly, finding himself unable to obtain the votes in the Combined Court, shut it up, and the supplies being all stopped no money was collected except from the customs, and by the revival of an old Act for raising money which had been protested against as illegal. But how these funds were expended no account was given; and Governor Barkly, after the insult and injustice he had inflicted on the colonists, brought in an ordinance by which he sought to reform the Court of Policy by extending the suffrage. He (Mr. Hume) had no objection to an extension of the suffrage; but the object of the Governor was evidently to obtain a majority of the elected members, in order to carry out and obtain a sanction to his estimates, which had hitherto been unpaid and unvoted since December, 1847. The colonists complained that the reasons assigned by the Governor were altogether groundless. The Governor said that the right of suffrage depended, under the ordinance—and this was an important point—on the payment of a certain tax, and that the colonial legislature not voting any supplies, consequently those entitled to vote on account of the payment of the money had no claim. Therefore he (the Governor) would bring in a new Bill to alter the suffrage, so as to secure what he no doubt thought would be a body of men elected who would support his own views. Now, the colonists had an answer to make to this; but the Committee had refused to consider this point. He (Mr. Hume) laid before the Committee a paper sent home along with the petition of the colonists, and the lawyers in the colony stated that the law of the case was this—on the 1st of January every year the public officer called for a list of the parties who assessed themselves to the amount required, and they said it was not necessary that payment should take place to entitle them to the suffrage, because from the day that the register and the assessment was made, they were able to vote and had voted, and consequently that payment was out of the question, being merely a pretence got up for interfering with the colonists' old-established privileges. Well, in that enviable state of confusion the colony remained at present, beginning with the dispute about the civil list, whether the colonists should be allowed to rèduce all salariės above 700 dollars 25 per cent. It was found that the ordinance sanctioning the civil list was not legal, not having received the sanction of the Combined Court; and that it ought not to have been carried on, as the Combined Court alone had the sole power to hold the purse-strings of the colony, and a single shilling could not be voted without their sanction. Nevertheless, Governor Barkly continued to pay the officers altogether illegally and unconstitutionally; and now sought to càrry out a reform that he believed would obtain for him an obedient set of men, as elected members of the Court of Policy. Now, the elected members did not complain of this change. They only wished it to be made complete. They wished to get rid of their present institutions, to substitute real electoral ones in their place. They said, "Let the qualification be placed as high as they liked; only, it should be duly considered and carried out with their sanction and consent." On the whole, it seemed that the Government, being powerful, were determined to maintain their power, because they possessed it at present, whether they were right or wrong; and that the noble Lord at the head of the Colonial department would not yield in a matter of mere etiquette, and allow the least consideration either to law or justice, which appeared to have been violated; and on that ground he (Mr. Hume) thought it time for the House to declare the opinion which he had endeavoured to embody in his resolutions. When before the Committee, Sir H. Light was asked—

> "Am I to understand you to state that for the ten years you were in the colony, and for ten years before that, the colonists have always been at variance with the Government?—Yes, always. In the time of Sir Benjamin D'Urban the supplies were stopped for two years, though the King's chest sufficed in some degree to pay some of the officers. During the ten years you were in the colony you have stated that the principal objection arose to you when the abolition of the apprenticeship was proposed?—Yes. After that, what was the next point of difference, or were there any other points of difference between the colonists and yourself?—I think the chief thing was with respect to immigration; not giving them the number of immigrants they wished, but only proposing a certain number of immigrants: I have no idea why they disliked me in fact."

So that it was quite the fact, that from the moment Sir H. Light arrived, up to the time at which he left, there existed this continual antagonism between the Government and the colonists; and the same ruinous state of things was still suffered to continue. The colonists had long complained of their protection being taken away from them contrary to good faith; and they had calld his at tention to the fact, that when the noble Lord, now the

Premier, formerly proposed certain alterations in the sugar duties, Lord Sandon (now Earl of Harrowby) proposed an Amendment that was very important, as showing the animus of the House at the time, and how likely it was to lead the colonists to believe that the arrangement was to be permanent. He would not then say anything as to his own views of the merits of the question; he had simply, at the request of the petitioners, to call attention to a matter of fact. Lord Sandon's Amendment, then, was to the effect that, considering the efforts and sacrifices that Parliament and the country had made for the abolition of the slave trade, in the earnest hope that our exertions and example might lead to its mitigation and final extinction by other countries, that House was not prepared, especially with the present prospect of the supply of sugar from the British possessions, to adopt measures for the reduction of the duties. An hon. Baronet who sat near him (Mr. Hume) seconded this Amendment, stating that he considered it the best way of dealing with a proposal that involved the ruin of most valuable possessions, and a disregard of the sacred duties of humanity. The Amendment was carried by 317 to 281, being a majority of 36 against any alteration of the sugar duties; and the colonists wished him (Mr. Hume) to state that when they assented to so large a civil establishment, they did so on the understanding and with the perfect confidence that they would be secured the continuance of the advantages they then enjoyed with respect to protection on their sugar. It was only due to a colony, situated at a great distance, 28 estates in which, according to the last mail, had been abandoned, 24 more having passed into the hands of the receiver, in addition to 24 others which appeared in the appendix of the report—it was only justice towards a distant colony, placed in such circumstances of distress, that he should lay these things before the House. After the sudden change in our commercial legislation, to refuse to allow the colonists to make such reductions in their expenditure as would enable them to meet the requirements of their altered position, he thought a most heartless and reckless course of procedure, and one without the least consideration for the feelings of the colonists. On that ground he brought forward this Motion, and he was sorry the House was not fuller, as he was anxious, at any rate, to have an expression of the feeling of the House at large on this important question. He was sorry that it had been delayed so long, but he was not personally answerable for that. He thought he had now stated in brief all the leading circumstances of the case of this unfortunate colony, which was admitted by Sir H. Light to be in a state of utter ruin—all the planters being ruined; and yet the Government obstinately persisted in keeping up a state of things which they could easily prevent. He had shown that the ordinance which Earl Grey wished to maintain regarding the civil list, was illegal and worthless in the opinion of the law officers of the Crown; and he had also shown that the plea that the salaries of existing officers might not be reduced had no pretence for a foundation, for the salaries were only secured to the end of 1847, not a single officer having taken office subject to a new appointment. On all these grounds, then, it appeared to him the House was called upon to affirm as its opinion the resolutions which he had now to move. His object was to induce the House to say that the Colonial Office should not interfere to prevent the colonists from making reductions in their expenditure if they thought fit; but that the colony should be placed in the situation which Canada occupied, having responsible officers appointed by the people, and having the means of knowing on the spot what were the capabilities and wants of the colony, and being allowed to administer to these wants as the Canadians possessed the power of doing. In Canada he believed that peace, good order, and prosperity would be the consequence of the responsible government. The Houses of Parliament there were now acting in perfect unison with the Governor, and everything was now proceeding with the utmost harmony; whereas in the unfortunate colony now under consideration, for twenty years a pernicious and ruinous state of disunion and antagonism between the constituted authorities had prevailed.

Motion made, and Question proposed—

"That it appears by the Evidence taken before the Select Committee on British Guiana, that that Government has been carried on for the last ten years in opposition to the expressed views and opinions of the Elective Members of the Colonial Legislature, and that the supplies are now stopped in the Colony by continued opposition, to the great injury of the Colony:

"That this House is of opinion, that the time has arrived when the Public Expenditure of the Colony should be reduced as desired by the Colonists; and also for the establishment of a responsible Local Government, which should have full power to decide on the extent and nature of their establishments, and to provide the means for paying the same."

MR. BAILLIE said, that notwithstanding the late period of the Session, when so many Members were out of town, and when, therefore, it was impossible to obtain a fair expression of the opinion of Parliament upon any subject—notwithstanding this disadvantage, his hon. Friend the Member for Montrose had considered it his duty to bring under the notice of the House the report of the Committee appointed to inquire into the grievances of British Guiana; and he did so on two grounds: first, because the inhabitants of that colony, confiding in the justice of the House of Commons, had expressed a desire that the dispute which had so long existed between the Colonial Office and the Legislature of that colony should be decided by the Imperial Parliament; and, secondly, because, having had the misfortune to differ in opinion from the majority of the Committee with respect to the nature of the report which, in accordance with the evidence, it was the duty of the Committee to submit to the House, he thought it would be but just and reasonable that the whole case should be fairly stated, and laid before that tribunal to which the inhabitants themselves had expressed a desire that it should be referred. His hon. Friend was of opinion—and he (Mr. Baillie) confessed he entirely agreed with him—that the Committee had omitted to notice in their report some of the most important points of the evidence that was laid before them. He begged the House to mark this, that if a Committee of that House were appointed to inquire into certain evils and grievances alleged by a colony, and omitted to notice in their report those evils and grievances which were stated to exist in the general practice and administration of the Colonial Office, the House had naturally a right to assume that the silence of the Committee upon those points was a tacit approval of the course of policy which had hitherto been pursued; and the result would be that no amelioration—no improvement of any kind would take place either in the government of that colony, or in any other colony similarly situated, and placed under a similar system. It was, therefore, on behalf not only of British Guiana, but of all other colonies, that he begged leave to call the attention of the House to just those points of the evidence which had been omitted to be noticed by the Committee. Those hon. Members who had read the evidence must be aware that the Government of British Guiana was one of those which was lately described by the hon. Gentleman the Under Secretary for the Colonies as a sort of preparatory school for constitutional government; that was to say, colonies with nominally a constitutional government, but which the Colonial Office had gone on to treat like children, depriving them of all real power in the management of their own affairs. For example, in British Guiana the Court of Policy had the supreme legislative authority, but it was in reality entirely under the control of the Governor. The Combined Court had the power to regulate the financial affairs of the colony; but this power had been set aside by the right assumed by the Governor, first of all by placing his veto on any measure introduced into the Court, and thereby putting down all discussion upon it; and, secondly, by adjourning the Court *sine die* when the Court differed from him. It was indisputable that when the Governor assumed such powers, and was supported in that assumption by the Home Government, the liberties of the subject were in fact placed entirely in his hands; and the colonists could exercise no power whatever. It was against this assumed authority exercised by the present and by the late Governor, that the inhabitants of British Guiana had been contending. By the exercise of the power assumed to adjourn the Court *sine die*, the colony had been left nearly twelve months without any revenue, to the great injury of the colonists, who were thus deprived of all resource. The Government had threatened to remove from them the protection of Her Majesty's troops; and it had been notified to them by the Governor that he should be under the necessity of disbanding the police force, and the other establishments of the colony. And thus it had in effect been notified to these colonists in terms not to be mistaken, that unless they were disposed to submit to whatever should be dictated to them, they would be handed over to the idle and disorderly black population of the colony, whom the Governor had described as having lately become very much demoralised, and had stated that crimes of all descriptions were upon the increase. Such were the means which the Government had resorted to in order to deprive the inhabitants of this colony of the free exercise of those rights and privileges which their constitution intended they should enjoy—rights and privileges which the law officers of this Crown had pronounced that they had a right to enjoy—privileges which were secured to them by the articles of capitulation when the colony became ours. The first witness examined before the Committee was a gentleman who, for the last ten years, had been the Governor of the colony. The Committee were aware that Sir Henry Light enjoyed a high official reputation at the Colonial Office. He was deemed to be the model of a colonial governor by that department. He was described in an official document as a man of very great ability and of extraordinary vigilance and activity. The Committee was aware that he had had conferred upon him the distinguished honour of the Order of the Bath, which was notified to him by the Secretary of State in the most flattering terms. He (Mr. Baillie) mentioned these circumstances in order that the House should understand how much he appreciated the importance of the evidence given before the Committee by that gentleman. Sir H. Light informed the Committee that for the 10 years during which he administered the affairs of British Guiana, he had governed it contrary to the expressed views and opinions of all the elective members of the legislature; and he said that such a course had been sanctioned by precedent, and it was the only rational mode of dealing with the parties. He (Mr. Baillie) confessed that when he heard the evidence of Sir H. Light, it appeared to him that that gentleman had justified all the resistance which had been offered by the inhabitants of the colony. He could not conceive a greater indignity or a grosser insult offered to a body of Englishmen than that they should be deprived of the exercise of the rights and privileges which their constitution conferred upon them, by the assumptions, arts, and trickery of the Government. He (Mr. Baillie) had thought this to be so important a point that he submitted to the Committee a resolution very similar to the first resolution which the hon. Member for Montrose had on the present occasion proposed for adoption. The Committee, however, did not think fit to entertain it, or to pronounce any opinion upon the subject. There was another grievance of which the inhabitants of this colony had just reason to complain in regard to the conduct of the Governor. The Governor, in spite of the most urgent remonstrances on the part of the colonists, refused to allow any law to pass for the regulation of labour, or for the prevention of paupers and squatters, or permit any contract for labour for a longer period than thirty days, under the pretext that it would be contrary to the liberty of the subject, the Governor being apparently ignorant that in every civilised country in the world such contracts existed. In Scotland no farm labourer was employed for a period of less than six months. In consequence of this refusal, the inhabitants met and passed certain rules and regulations, to which they bound themselves to adhere. These were laid before the Committee; and they were perfectly fair, just, and reasonable, and such as no English labourer would for a moment have objected to. But they were objected to by the negroes, and a general strike took place throughout the colony. A deputation on the part of the blacks waited on the Governor to ask his opinion; he denounced the resolutions, and told the negroes that they were not bound to observe them, and instructed the police magistrates not to enforce them. The result was, that, supported as the negroes were by so great an authority, the planters were obliged to succumb, and he was warranted in asserting that the ruin and misery which had fallen upon that colony was mainly owing to the conduct thus pursued on the part of the Governor. He now came to the question of the civil list; but before he entered upon that topic, he begged the House to bear in mind two points: first, the express reason assigned by Governor Light, in the year 1839, for the great increase in the civil list; and, secondly, the mode, manner, and circumstances under which that increased civil list was ultimately obtained. In 1839, Governor Light wrote a despatch to the Colonial Office, and requested that his salary might be increased from 3,500*l.* to 6,000*l.*, and also an increase of the salaries of the other officers of the colony; and he placed this demand upon these grounds—first, the great and increasing prosperity of the colony, which would fully justify increased burdens being put upon it; and, secondly, the high prices of all the necessaries of life in British Guiana, as compared with the prices in the island of Antigua, of which he had previously been the governor. This despatch was favourably received at the Colonial Office, and Governor Light was instructed that he might make a demand for an increased salary and an increased civil list from the Court of Policy. But when he made that proposition in the Court of Policy, it was violently objected to by the colonists; and the present chief justice of the colony designated the demand as being most unjust, and if granted would be extremely onerous upon the colonists. A resolution was passed to that effect. The consequence was, the Court refused the proposition, and the increased civil list was stopped. In passing that resolution, the Court of Policy acted only as they had a right to act—for no one disputed that right; but because they did so act, Governor Light adjourned the court *sine die*, whereby 60,000 dollars were lost to the colony. Under these circumstances, the noble Lord at the head of the Government, who was then Secretary of State for the Colonies, sent the governor of a neighbouring colony in order to allay the disputes between the colonists and the Governor. Now, about this time, a general feeling prevailed that immigration alone would save the colony from ruin. The Government at home being aware of this feeling, instructed Sir H. Macleod that he might tell the Court of Policy that if they would grant a civil list, they should have an immigration ordinance; but that if they refused to grant a civil list, no immigration ordinance should be issued. That was expressly stated in evidence by Governor Light, who said it was a bribe held out to the colonists, by means of which they hoped to obtain a civil list as large as was necessary. [Mr. HAWES: Where was that evidence?] Do do you dispute it? [Mr. HAWES: Yes.] It is in the evidence, and I will produce it presently. Well, the result was that Sir H. Macleod was enabled to pass in an instant a civil list, and the Government passed an immigration ordinance. But when the necessary document for raising an immigration loan on the credit of the colony was presented at the Colonial Office, it was rejected, and so the matter remained for four years. In 1844 the Colonial Office at length consented to sanction the loan, upon condition that the colony granted the civil list for an additional period of seven years; and thus the Crown obtained a civil list to be voted for fourteen years instead of seven. He confessed he was one of those who thought it was most dishonourable conduct on the part of the Government thus to stipulate with the colonists for a civil list. If the Government considered that immigration was a measure calculated for the well-being of the colony, they ought to have granted it without stipulating for increased pay to the public servants. Therefore, he proposed a resolution to the Committee to that effect; but it was not adopted by the Committee. He now came to the close of the year 1847, when, in consequence of the reduced price of colonial produce, certain resolutions were agreed to in the Court of Policy, setting forth that on account of the distress and the exhausted state of the resources of the colony it had become a matter of necessity that an extensive reduction should be carried out in every branch of the annual expenditure; and they authorised a reduction to the extent of one-fourth. A Motion founded on these resolutions was sent to Earl Grey. He would not weary the House by going into details. Suffice it to say, that the proposition was rejected by Earl Grey, on the ground that he conceived the faith of the Crown and the colony was pledged to the public servants for the maintenance of the civil list for a certain period, and that for that period it must be maintained. Now the Colonial Office appeared not to have remembered that the first reason advanced by Sir H. Light in 1839, in order to obtain an increase of the civil list, namely, the increasing prosperity of the colony, was altogether illusory and without foundation; and that the second reason, namely, the great increase in the cost of living, no longer existed, it having been proved before the Committee that the prices of provisions at this moment were lower than they were in Antigua at the time to which Sir H. Light's comparison referred. The Colonial Office also appeared not to have reflected that they had allowed the Governor of Trinidad to reduce the salaries of the public officers in a greater proportion than was asked for in British Guiana; for while in British Guiana the proposed reduction was only 25 per cent, the Governor of Trinidad reduced the salaries 33 per cent—notwithstanding that in Trinidad the rate of taxation was not more than 20*s.* per head, whereas in British Guiana it was about 40*s.* There could not be a doubt that the bitter feelings engendered in this dispute were greatly increased by the manner in which the appeal of the Combined Court was rejected by Earl Grey, as well as by the statement which he made about the same period to the House of Lords with respect to the prosperous condition of the colony. Hon. Members who had read the evidence taken before the Committee must be aware that the statement of Earl Grey to the House of Lords with respect to the colony created great excitement in the colonial legislature, and that an animated discussion took place on the subject. The Governor was asked whether he had furnished the information contained in Earl Grey's statement, and he replied that he had not; and moreover that he always furnished Earl Grey with correct information, as it was his duty to do, with respect to every thing that took place in the colony. The statement of Earl Grey to which he referred was as follows:—

> "He had also seen it stated in the local newspapers, that on the east coast of Demerara, where a contemplated reduction of 25 per cent in wages had taken place, it had been met cheerfully and in perfect good humour by the negroes, who would submit to the reduction of wages when they saw it was necessary; but who, when they saw the planters anxiously competing for their labour, would endeavour to get the last farthing they could obtain. The consequence of that reduction was, that at once, and without the expense of immigration, the colony obtained the advantage of an increase of one-fourth to its working population. If that were the case, would any man tell him that the system of protection was to the advantage of the planter? He (Earl Grey) held, on the contrary, that if protection were admissible on the grounds of the general interests of the country, it would be for the interest of the planter himself that we should adhere to the wise determination which Parliament came to in 1846."

Now, the colonists were naturally indignant at this statement, when they knew that there was not one single word of truth in it. Indeed, it was proved in the Committee, that at the very time Earl Grey made that statement, he had a despatch from the Governor of British Guiana four days in his possession, which despatch arrived by the same packet as the newspaper he had quoted, and informed him that as matters then stood in the colony, half the estates would be thrown out of cultivation, unless the prices of labour were reduced. That despatch also contained an enclosure respecting a tour of the Colonial Secretary, for the purpose of inducing the labourers to return to their work, but which did not specify a single instance of success. When this subject was last discussed in that House, he (Mr. Baillie) was accused of using harsh language in speaking of Earl Grey with reference to the statement he had made to the House of Lords. He therefore felt himself called upon before the Committee to justify the language he then used. He told the Committee that if in their opinion his charge against Earl Grey was not clearly and fairly proved, he hoped, in justice to Earl Grey, they would pass a resolution to that effect; but if in their opinion the charge was fairly proved, he trusted they would, in justice to him, pass the following resolution, which he had prepared:—

> "That additional difficulties in the arrangement of this dispute have been engendered by the statements made by Earl Grey on the 8th of February, 1848, announcing to Parliament, on the authority of a colonial newspaper, that the most satisfactory arrangements as to labour actually existed in British Guiana between the employers and the employed; it having been proved to your Committee that Earl Grey was at that very time in possession of despatches which had arrived by the same packet as the newspaper in question from the Governor of the colony (of which, however, he made no mention) stating that, 'as matters stood on the 31st of December, 1847, half the estates of the colony must go out of cultivation.'"

Upon that resolution the Committee declined to express any opinion, although it must be admitted it contained a grave charge against the Secretary of State. He invited the Committee to state whether in their opinion the charge was true; and not a single Member ventured to say that he did not believe it to be true. In fact, no person answered him when he made his statement. He had, therefore, felt it to be his duty to bring the case before the House. He asked the House what would be their feelings if a Member of the Government—say the Secretary of State for the Home Department—were to receive a despatch from the Poor Law Commissioners for Ireland, informing him that in the union of Castlebar there had been 8,000 deaths from famine; and if, after receiving that despatch, a debate should take place on the subject, and the right hon. Gentleman should get up and say that he had received a most satisfactory communication with respect to the state of Ireland; that he had just seen a copy of a Castlebar newspaper, in which he had found a paragraph stating, that in consequence of the success of their free-trade measures, famine had been banished from the country, that provisions were abundant, and that the poor were all well fed, at little cost to the proprietors of the soil—if the Secretary of State for the Home Department were, under such circumstances, to make such a statement to the House, what would be the feelings and opinions of hon. Members on the subject? Would they think that confidence should be any longer placed in such a Minister, or that he should continue to be intrusted with the lives and fortunes of Her Majesty's subjects? And yet the case he had stated to the House with regard to the Secretary of State for the Colonies was exactly parallel—the only difference being, that in the case of Ireland the people were represented in that House, whereas, in the other case, the people were inhabitants of a distant colony who were not represented at all. He said before, that the Committee refused to adopt his resolutions. Indeed, they rejected both the resolutions which he proposed, and the resolutions which were proposed by the Under Secretary for the Colonies. [Mr. HAWES: My resolutions were never proposed at all.] He (Mr. Baillie) believed that they were submitted and afterwards withdrawn. By way, he supposed, of getting out of the difficulty in which the Committee were placed, one Member proposed to adopt the resolutions of Sir R. Peel, even before they were drawn up. The Committee, however, did not listen to that proposal, and the resolutions were fairly laid before the Committee before they were adopted. He begged to remind the House that the proposition of the hon. Member for Montrose was of deep importance to the interests of the colony; it involved the question of self-government; the question whether the colonists should in future be allowed to manage their own financial affairs, or whether the Colonial Office should be allowed to interfere as heretofore, and not only dictate to them on that subject, but actually use their great and powerful influence in order to compel their acquiescence. England had of late rendered her name odious by her conduct in foreign affairs in almost every country of Europe. She had exhibited an arrogant desire to interfere and dictate in the internal affairs of the weaker and less powerful countries of Europe; whilst, at the same time, she exhibited an anxious desire not to take offence from the powerful and the strong. Witness her conduct with regard to Spain, Portugal, and Naples, and her conduct with respect to France, Prussia, and the United States. He begged the Government not to teach the colonies that they were acting a similar part in their dealings with them; that they had been compelled to grant to the threats of the people of Canada—the powerful and the strong—the enjoyment of those rights and privileges which they refused to the prayers and remonstrances of the humble and the weak; and that if they—the colonists—would obtain redress for the evils which they laboured under, they could not hope to obtain their object by an appeal to the justice of the House of Commons, as in this instance, but by an appeal to arms, as in the case of Canada.

MR. HAWES said, he was relieved from the necessity of going at great length or much detail into the question which the hon. Member for Montrose had brought before the House, because he and the hon. Gentleman the Member for Inverness-shire had had an opportunity of bringing all those charges and complaints before a Committee of that House, to the appointment of which the Government offered no opposition in any respect—to which every facility was offered by them, and every possible document calculated to aid them, in the possession of the Colonial Office, freely and spontaneously given. Having made these charges and complaints—none of them conceived in a spirit of much charity—they found themselves in a minority in the Committee; and when they found that to be the case, they thought it necessary to obtain the opinion of the House in opposition to the report of the Committee. If the case was to rest entirely on the statements of the hon. Member for Montrose and of the hon. Member for Inverness-shire, he (Mr. Hawes) might be apprehensive of the result; but statements so void of accuracy and so little calculated to give the House correct information, it had not been his fortune often to hear. After they had sat for months on the Committee, and had heard all the evidence, they seemed to have left it with precisely the same opinions, and not to have imbibed a particle of information from the inquiry. Had either hon. Gentlemen stated the origin of the dispute to the House, or the grounds stated by the colony for asking the Government to alter an Act of Parliament? for in that light an act of the Court of Policy (the competent legislature of the colony) was clearly to be considered. That act of the Court of Policy established a civil list, not to the amount of 39,000*l.*, as the hon. Gentleman the Member for Montrose stated, but, in point of fact, to a considerably smaller amount. Every statement he (Mr. Hawes) made on this point on a former occasion, had been fully borne out by evidence; and he should take the liberty to repeat it. The civil list was nominally 39,000*l.*; but of that 4,500*l.* was, he was sorry to say, paid out of the imperial treasury; a reduction of 1,009*l.* was to be made for pensions which had fallen in, and a further reduction of 9,000*l.* for charges on account of the ecclesiastical establishment, which ought to be paid out of the colonial revenue, so that, in effect, the whole of the civil list was not more than 24,000 or 25,000*l.* The charge for the clergy was placed on the civil list by the colony, as the Committee papers showed sent to the Home Government. The revenue of the colony was not less than 227,000*l.* a year; and out of that revenue a civil list of the above amount was set aside by the Court of Policy for the payment of the officers who conducted the government of the colony. The origin of the dispute was certain resolutions of the Court of Policy, to which the hon. Member for Inverness-shire had referred. He was anxious to call the attention of the House to them, that they might thoroughly understand the course that the dispute had run, and the conduct of his noble Friend the Secretary of State for the Colonies, with reference to it. These resolutions stated —he gave the substance of them—that the colony was solely agricultural, and dependent on the markets of Europe. That, in consequence of the competition from slave-grown sugar, to which they had been exposed by the measures of the Imperial Parliament, the value of their property had declined. On the first objection they grounded the necessity of reducing the civil list. They went on to say, the revenue was declining, the colony impoverished, and that they were unable to pay the civil list as it was imposed on them. The first question the House had to ask was, whether the civil list had been embodied in an Act of the Court of Policy; and, if so, was it excessive; and was the colony in that state of decline, and its revenues so fallen, as to justify a reduction? Would it be believed by those who had heard the statements of those two hon. Gentlemen—such close allies on this question—so remarkably consistent in opinion on all matters connected with protection to sugar—that in evidence before the Committee, out of the mouths of their own witnesses it was plainly and undeniably stated the revenue of the colony up to last year had not fallen at all; but, on the contrary, had rather increased? If the state of the revenue formed no just ground for reducing the civil list, and if it was shown in evidence by adverse witnesses that the revenue had not fallen, what pretence could there be to justify the decision at which they were asked to arrive? To that view of the case there was no answer. Had the revenue declined? No. Did the Act of Parliament, gradually diminishing the protective duties on sugar, justify a reduction of the civil list? Certainly not. The hon. Gentleman declared his noble Friend the Secretary for the Colonies refused to make any reduction when it was first proposed. They must have spent their time most unprofitably in the Committee, and either they had not heard or had forgotten the despatches which had been read. [Mr. Baillie: I said, he refused at first.] He would quote an extract from the first despatch of his noble Friend in February, which would not bear out that statement. It stated, and truly, that the object of the civil list, voluntarily renewed in 1844, was to place the servants of the Crown beyond the reach of circumstances calculated to affect their incomes; and that the Government having effected that object, left six-sevenths of the revenue of the colony to be dealt with by the Combined Court. His noble Friend stated, that he was not aware of any circumstances in the present state of the colony which could justify the Crown in reducing the salaries which had been secured by the civil list. If there were any circumstances to justify a reduction, Earl Grey would not refuse it. He (Earl Grey) then went on to show the revenue had been increasing yearly up to 1846, and that there was no reason to suppose there had been any decline up to September, 1848, when the supplies were stopped. Earl Grey had dealt with the case fairly. But was that all his noble Friend had done? In a subsequent despatch, he distinctly gave his assent to reductions of salary as vacancies occurred; and since then he had stated that, though his present impressions were, that the finances of the colony were not in a condition to render reductions necessary, and that the salaries were not too high, the reasons for a different conclusion should receive his most careful consideration. What conclusion had the Committee come to? Had they, after hearing all the evidence, and all hon. Gentlemen could say, declared the salaries should be reduced, or that the pledge given to the servants of the Crown should be abandoned? Quite the contrary; they took precisely the same grounds as his noble Friend the Secretary for the Colonies, and declared it was not competent to the Combined Court to alter the civil list. Their report was clear and distinct on that point; they stated—

> "Upon a review of the several circumstances above adverted to, your Committee is of opinion that the Crown is entitled (if considerations of good faith and of public policy require it) to insist upon an adherence to the civil list arrangement made in 1844 for the full period for which the civil list was granted, and that no attempt to set aside that arrangement, either by direct or indirect means, can be justified."

He wished to know the difference between the conclusion to which the Committee had come after full inquiry, and that of his noble Friend the Secretary for the Colonies. Was it no justification of his noble Friend, in having decided on the best information before him that the civil list should not be reduced on the ground assigned, that a Committee of the House, after a long and laborious investigation, had arrived at a precisely similar result? When the hon. Gentleman said he (Mr. Hawes) had abandoned his resolutions, he begged to say that they were never proposed to the Committee, though printed for consideration; for having heard from the most distinguished Member of the Committee—one beyond all doubt entitled to the greatest weight—resolutions he (Mr. Hawes) preferred to his own, he at once adopted them, and he was quite ready to bear any blame which might attach to him for having preferred to follow the right hon. Baronet the Member for Tamworth, rather than the hon. Members for Montrose and Inverness-shire. When the Committee presented their report, his noble Friend immediately sent a despatch, dated June 1, 1849, to Governor Barkly, of which the following was an extract:—

> "Having thus expressed to you the views which I have been led to take of the proceedings adopted by yourself and the Combined Court on the understanding that the question concerning the civil list should be left *in statu quo* pending the inquiry before a Committee of the House of Commons, I now take the earliest opportunity after the report of that Committee having been made to the House, of transmitting to you a copy of their report, and requesting that you will lay it before the Combined Court. I trust that the Combined Court will receive the decision of the Committee as to the rights of the Crown under the civil list ordinance as determining that question, and that they will join with me in a cordial desire that all differences out of it should be forgotten. I can assure them that they will find on my part the utmost solicitude to co-operate with them in acting upon the views of the Committee as to the necessity of economy (which are entirely in accordance with my own, as expressed in my despatches) and in making such arrangements as may most contribute to the future prosperity of the colony, and most tend to the obliteration of any personal feelings which may have been excited in the course of these unfortunate discussions."

That was the principle upon which Earl Grey proposed to act; and he thought himself entitled to remind the House that the Committee of Inquiry did report in the teeth of the opinions expressed and the statements made as well by the hon. Member for Inverness-shire, as by the hon. Member for Montrose and of those who supported them throughout that inquiry. Then, again, there was a point of some importance on which he thought that Earl Grey had been somewhat unfairly attacked, and that related to the opinions which he entertained on the subject of economy. It would be a gross misrepresentation to describe Earl Grey as unfavourable to economy. There had been no case of wise economy which had not at all times commanded his cordial and earnest support. But then his opponents, not content with imputing to him a want of economy, charged him with inconsistency for having pursued one course with reference to Trinidad, and quite another in the case of British Guiana. It was said that he granted that redress to the former which he refused to the latter; and this was contended for as warmly as if there subsisted any analogy between the one and the other, when the two cases were wholly different, inasmuch as no guarantee whatever had been given to the officers employed in the civil establishments at Trinidad —no security had been given to them for the continuance of their offices and salaries during a period of ten years. There was no legislative Act establishing a civil list. Lord Harris, with the wisdom and ability which distinguished his government, did certainly propose the reduction of public expenditure in Trinidad, and he having made to Earl Grey a proposition recommending a change of that nature, and having supported his advice by statements and reasonings of much weight, Earl Grey concurred with him, and reduction was sanctioned; the main feature of the Trinidad case being that the expenditure exceeded the income, while in British Guiana the case was the reverse — the income was equal to the expenditure. The cases were not only different, but there was not the slightest resemblance between the two. He regretted that the hon. Member for Inverness-shire, and likewise the hon. Member for Montrose, had spoken of a breach of faith having been committed, as any man with the least information on the subject must have known that there existed not a shadow of foundation for any such charge. The evidence entirely negatived the allegation. In the report on the table, and in the evidence appended to it, they would find the most ample proofs that all the idle talk about breach of faith was mere misrepresentation; and let it be remembered that the evidence by which that charge had been answered was the evidence of witnessess not brought forward by him, but by the Gentleman who wanted to make out a case of grievance. [It was understood that Mr. BAILLIE denied this.] Well, he begged the hon. Gentleman's pardon if he imputed anything of that sort without sufficient foundation; but if it had not been done by him, the hon. Member for Montrose must have been the person to whom the Committee was indebted for getting up that part of the evidence. From that part of the evidence then before him, to which he wished to direct the attention of the House —he meant the evidence given by Mr. Sandbach—nothing could be more manifest than that, so far from the colony having any the least reason to complain of a breach of faith, it was the Crown that had to complain of a breach of faith. If any conditions were made, those conditions had been by the Government completely fulfilled. Money had been paid, and loans had been effected to promote emigration; but the book on which he laid his hand clearly and most distinctly showed that there never had been, at any time, the least breach of faith on the part of the Crown. But the hon. Member for Montrose was very candid in one part of his speech; for he admitted that, before the Act of 1846 respecting sugar, there was on that article a protecting duty, and that now British Guiana, by reason of the prospective loss of that protecting duty, was not able to meet her engagements, or, in other words, was not able to pay her civil list; and the hon. Member said this, because he believed that the existence of protecting duties was necessary for the purpose of enabling the inhabitants of British Guiana to maintain their civil list at the point at which they had undertaken that it should be preserved. According to him, it was necessary that they should raise the price of sugar to consumers in England, in order to maintain the revenue of British Guiana. But what was the real state of the facts? Protection had been prospectively only withdrawn by an Act of the Imperial Parliament. And was that a ground for saying that a solemn compact was to be broken? If it could be shown that the expenditure of the colony exceeded the income of the colony, then there might be a case for the reduction of salaries. The hon. Member for Montrose said, because the sugar of British Guiana was low in price, that therefore they must commit a breach of faith with the officers of that colony. Were public officers to be rewarded upon principles which were to be regulated by the prices of commodities? If so, then all salaries must be governed by the *Price Current*. If it could be shown, as he conceived it had been shown, that the colony was not bankrupt—that the revenue was not declining—surely every ground for reduction, when that reduction involved a breach of faith, had been completely cut away from those who proposed it. If it were thought that 25,000*l.* was too great an amount for the civil list for such a colony, then let it at the proper time be fixed at a sum under that amount; but if they proceeded upon economical principles alone, let them remember that the people of British Guiana had themselves a control over six-sevenths of their whole revenue. The revenue of the colony amounted, in round numbers, to 227,000*l.*, and the colonists would have done better in looking after the expenditure which was under their own control, than in getting up a mischievous, reckless, and injurious quarrel for the purpose of embarrassing the Government in revenge of the Act of 1846. They never considered what could be effected in the way of economy in respect to the money under their own control. He stated that on the authority of Sir H. Light and Lieutenant Governor Walker. So far from the trade of the colony having declined, the production of sugar had actually increased since 1846. If he took from the year 1845 to 1848 inclusive, it appeared that an average of 28,500 tons of sugar had been produced annually in the first three years, and that 32,000 tons was the average for the years 1847 and 1848. This did not look like that impoverishment of the colony which had been spoken of. Upon another subject adverted to by the hon. Member for Montrose, Governor Barkly, finding that the Court of Policy was a mere oligarchical body, which possessed very little influence in the colony, and elected by very small constituencies, with a very high franchise, had with singular propriety introduced a measure, which became necessary in consequence of the stoppage of the supplies, for extending the constituency. The constituency at present did not amount to more than 700 or 800. Under the new measure it would be increased considerably. Was there anything wrong, then, in looking forward to the support of a more popularly constituted body for the support of the civil list? If it was so supported hereafter, would it not be a proof that the colony was not on the side of the Court of Policy? Governor Barkly, so far from being unwilling that his own salary should be reduced, declared in his very first speech that he should be sorry if his own salary stood in the way of these reductions. The struggle, therefore, was the mere struggle of a party to uphold their influence in the colony. The hon. Member for Inverness-shire had alluded to the part which he took in Committee in reference to a statement made by Earl Grey in the House of Lords. Here, again, the main fact was kept out of sight, namely, that Earl Grey spoke from information obtained from a local newspaper, which bore date two or three days after the despatch of the Governor. The statement was, that in a particular district the labourers had returned to their work, and were, in fact, working at a reduction of 25 per cent; and Earl Grey, in arguing that if wages were reduced, it was tantamount to an increase in the number of labourers, referred to the case stated in the newspapers as an example. The hon. Member also said, the Government had made the immigration ordinance a bribe for the civil list. In that case an accidental phrase had been caught hold of—Governor Light having only really stated in his evidence that the colonists had declared that they would grant anything in their power to obtain immigrants; but added, Q. 98, which the hon. Member abstained from quoting, "That I can hardly suppose that you would imagine I should bribe those under me for the sake of a civil list." It had been said that it was a breach of faith not to allow the colonists to procure labour from any part of the world. The Member for Montrose was in favour of what was termed free trade in labour; but there was evidence in the papers that what the colonists meant was, that they should be at liberty to go to the slave coast of Africa. If by free trade in labour was meant liberty to buy men from the slave coast, he confessed that he was opposed to it, and he believed a majority of that House were also opposed to it. It had been said that this report was the report of the right hon. Member for Tamworth. Now, he was most desirous of doing justice to his hon. Friend the Member for Buckinghamshire. He begged to say that that part of the report which went to reform the constitution of British Guiana, and extend the franchise, was entirely due to that hon. Gentleman; and he was happy to inform him that at this moment the Colonial Office and the Government were acting in the spirit of its recommendation; and he trusted that before long they would see a Franchise Bill pass which would secure a more extended constitution, and a more enlightened and efficient body of representatives in that colony.

Mr. J. STUART then moved the adjournment of the debate.

Mr. HUME said, he rose principally to refute a calumny of the grossest kind. The hon. Gentleman the Under Secretary for the Colonies said that by free trade in labour was meant the use of slave labour. He utterly denied that such was the case. That was the only thing in the hon. Gentleman's speech which he thought worthy of notice. The alleged facts were admitted. The hon. Gentleman had chosen to term an act of policy an act which the law officers of the Crown had declared to be of no value whatever, those functionaries having declared that the colonists were right in the course which they had pursued. He wished to see the colonists in the enjoyment of responsible government, and no longer in leading strings. If a rebellion took place, there would be immediate concessions.

Mr. DISRAELI said, he wished the House merely to know what they were to divide upon. An adjournment of the debate had been moved by his hon. and learned Friend the Member for Newark. The fact was, that the public time was very important just now, and that this debate had only commenced at half-past nine o'clock. There was a general understanding in the House that every Member of the Committee was anxious to make a very long speech, and, therefore, it was deemed expedient that they did come to a conclusion as soon as possible. Now, he thought the Amendment of his hon. and learned Friend an extremely convenient one, and the House had better accede to the proposition without dividing upon it. As yet there had been a debate of only three hours upon this important question. It would lead to a very prolonged discussion, and, therefore, he felt that it had better be adjourned.

SIR J. W. HOGG was quite satisfied that the House should go to a division upon the speech of the hon. Under Secretary. It had not yet been mentioned in the course of this debate that the report which was carried was so carried by a majority of 8 to 3; and that the proposition of the hon. Member for Montrose was rejected by a majority of 10 to 4.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 17; Noes 94: Majority 77.

Original Question put, and negatived.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Wednesday, July 25, 1849.

MINUTES.] PUBLIC BILLS.—1ª Clergy Relief; Defects in Leases Suspension; New Forest and Waltham Forest.

2ª Bankruptcy (Ireland); Chapels of Ease (Ireland); New Zealand Land Conveyances; Royal Pavilion (Brighton); Poor Law Union Charges Act Amendment; Judgments (Ireland).

Reported.—Regimental Benefit Societies; House of Commons Offices; Enlistment (Artillery and Ordnance); Trustees Relief; Militia Pay; London Coporations.

3ª County Rates, &c.; Poor Relief (Cities and Boroughs); Small Debts Act Amendment; Boroughs Relief; Stock in Trade; Advance of Money (Athlone to Galway Railway); Relief of Distress (Ireland) (No. 2); Inland Posts (Colonies); Land Improvement Amendment (Ireland); Labouring Poor Act Amendment (Ireland).

PETITIONS PRESENTED. By Lord Brougham, from the Inhabitants of Tobago, complaining of Distress, and praying for Relief.—By Lord Redesdale, from the City of London, against the London Corporation Bill.

COUNTY COURTS.

LORD BROUGHAM said, he had been desired by one of the County Court Judges to state the highly satisfactory result of county courts. Since the establishment of these courts 1,191,000*l.* had been paid, or compounded for, or paid into court, and an amount exceeding 1,500,000*l.* had altogether been disposed of, whilst more than a sufficient sum had been produced by fees to pay the whole expenses of the salaries of the judges and other officers of those courts. It was a most satisfactory result of this great experiment, which he had suggested in the year 1833.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 25, 1849.

MINUTES.] PUBLIC BILLS.—1° Juvenile Offenders.

Reported.—Slave Trade (Persian Gulf); Drainage of Lands; Admiralty Jurisdiction in the Colonies; Bankrupt Law Consolidation.

3° New Forest and Waltham Forest; House of Lords Costs Taxation; Nuisances Removal and Diseases Prevention; Defects in Leases Suspension; Clergy Relief; Cruelty to Animals; Protection of Women.

PETITIONS PRESENTED. By Mr. Hindley, from Ashton-under-Lyne, for the Clergy Relief Bill; also for the Bankrupt Law Consolidation Bill; and from Lindley, for an Alteration of the Sale of Beer Act.—By Mr. Mostyn, from Rhyl, respecting the Welsh Language in the Established Church (Wales).—By Mr. Elliott, from the Australian Agricultural Company, for the Promotion of Steam Communication with the Australian Colonies.—By Viscount Lewisham, from Rugeley, for the Repeal of the Duty on Attorneys' Certificates.—By Lord Dudley Stuart, from Marylebone, for Repeal of the Window Duty.—By the Earl of March, from Hailsham, for Agricultural Relief. —From Glasgow, complaining of Evasion of the Factories Act.—By Colonel Thompson, from London, for Recognition of the Hungarian Republic.—By Sir G. Grey, from Northumberland and Durham, respecting Accidents in Mines.—By Mr. Tufnell, from Devonport and East Stonehouse, against the Sale and Manufacture of Bread Bill.—By Sir E. Buxton, from Laxfield, for the Suppression of the Slave Trade.—By Mr. E. Howard, from the City of London, for the Smoke Prohibition Bill.

NUISANCES REMOVAL AND DISEASES PREVENTION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

LORD ASHLEY brought up four supplementary clauses. The first would empower the Board of Health to inspect and inquire into burial grounds; the second to give the churchwardens the power of making an agreement for further interments where the churchyards became offensive and dangerous to the public health. The board thought it desirable that the subject should be taken up on a grand and comprehensive scale. They expected to be able to place before Parliament a large scheme with respect to intramural interments, as soon after the meeting of the next Session of Parliament as possible. To this subject the two latter clauses related.

MR. MACKINNON considered the clauses to be satisfactory as far as they went; but they were not stringent enough to meet the nuisance intended to be corrected. He impressed upon the House the fact that within the last sixty years 3,000,000 human bodies had been buried within the limits of the metropolis. He trusted that steps would be taken to bring the scheme of the commission into early operation.

Lord ASHLEY said, it would be much better to leave it to the Government to take up the scheme of the commission, when prepared, than that he should propose its adoption.

Mr. HENLEY thought it was necessary that this subject should be dealt with by Parliament. A complaint was made in that House the other night that something had not been done by the parochial authorities of St. Margaret's in reference to their burial ground, in consequence of an alleged understanding come to upon the occasion of the repair of the church; and he was informed a few days since that the reason was because of the uncertainty which prevailed as to what the law might be with respect to intramural interments.

Sir G. GREY said, that a communication made to him by the rector of St. Margaret's corroborated the statement of the hon. Gentleman. He would take the opportunity of adding that he had received some communications with reference to the statement made in the House in regard to burials made in Bristol, and he was informed that the representation, that the bodies of persons who had died of cholera were left exposed, to the peril of the inhabitants of the surrounding houses, was perfectly unfounded; he was assured the graves were all nine feet deep, and the utmost precaution was taken to prevent any evil result to the neighbourhood.

Colonel THOMPSON said, he only wanted to impress the general fact, that we were approaching the time when, if something effectual was not done, our crime and our dirt would run away with us. He was, therefore, glad to see the alliance between a noble Lord and the hon. Gentleman opposite, who, he trusted, would be two Herculeses to cleanse the moral and the physical Augean stables that were before us. There might be a time when the mosaic paddle or the spear sufficed for sanitary regulations; but that was long gone by, and the comfort of existence was concerned in keeping pace with the wants of the age.

Clauses agreed to.

Bill passed.

CLERGY RELIEF BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. HAGGITT moved that it be read a third time that day three months. He considered it impossible that the Bill could pass through Parliament this Session; and, at any rate, he objected to its being disposed of now, when there was scarcely a University Member in town, and when so many other Members had left. The Bill did not apply to any practical question, as there was no real grievance to be remedied. He was convinced that no clergyman becoming a *bonâ fide* Dissenter, or joining the Church of Rome, would ever be molested by any bishop. He objected to the Bill, because it would reduce the functions of the bishop from a judicial to a mere ministerial capacity; and also, because it would lead to the abolition of the extreme censure of the Church, namely, excommunication, which, though rarely used, was still in existence. Parliament in former days never thought of legislating on ecclesiastical subjects, having contented itself with sanctioning that which the Church had previously agreed to, and he thought that the reasons that then existed for abstaining from such legislation were in equal force now.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. BOUVERIE said, the Bill had been carefully considered by a Select Committee, two of the Members of which represented the Universities of Oxford and Dublin, and all the recommendations of that Committee had been carefully attended to. As to the time of the Session, he found seven or eight Bills on the Paper not so far advanced as this one was, and therefore he looked upon that as no valid objection to the third reading. The hon. Gentleman said there was no practical grievance to remedy; whereas the Bill was brought in on the occurrence of an actual practical grievance. The mode taken by the Bill to remedy the evil complained of, was less open to objection than any other that could be devised, and he hoped the House would now consent to the third reading.

Dr. NICHOLL urged his hon. Friend to withdraw this Bill, as there was no chance of its being passed at that late period of the Session.

Mr. HAGGITT observed, as the general feeling of his Friends around him appeared to be against a division, he would withdraw his Amendment. His great object was to protest against this Bill.

Question, "That the word 'now' stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Bill read 3°, and passed.

PROTECTION OF WOMEN BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. ROEBUCK expressed a hope that the hon. Member for North Warwickshire would not endeavour to pass it in the present Session. He objected to the two new clauses which had been added to the Bill, directing not only that the costs of the prosecution should be paid, but that the party should likewise be compensated. This was departing from the ordinary course, and might open the door to many vexatious prosecutions for the purpose of obtaining compensation.

MR. ANSTEY said, that he would move that the Bill be read a third time that day three months, unless the hon. Member for North Warwickshire postponed it till next day. Two new and important clauses had been added, which were not yet in the Bill, and it was only right that at least a day should be allowed to intervene. The hon. Gentleman himself admitted that the Bill was so altered and perverted by amendments that had been added, limiting its operation to women under twenty-one years of age, from its original character, that he did not care to pass it, and yet he now persisted in moving the third reading. In its present shape, it was a Bill to prevent the procuring of women by other persons, but it did not in the least degree prevent defilement by the seducer in person — or what some hon. Gentlemen had described as legitimate seduction.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

MR. HENLEY wished the hon. Member for North Warwickshire to state what he intended to do upon the subject of costs, as referred to by the hon. and learned Member for Sheffield. As the Bill was now framed, it might be entitled, "a Bill to support a society for the suppression of vice at the expense of the county rates."

MR. SPOONER said, he had treated this offence as other offences in regard to costs. But he was willing to strike out of the clause the words, "compensation for loss of time."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 65; Noes 22: Majority 43.

Main Question put, and agreed to.

Bill read 3°.

On the Question that the Bill do pass,

MR. HUME said, that he could not allow this extraordinary measure to pass without saying a few words by way of protesting against it. In the first place, he begged to observe that, as it came from the House of Lords, it consisted of only one clause. That had been considerably altered, and within the last forty-eight hours two other clauses had been added, and now they were asked to pass the Bill into a law. In the next place, he must say it appeared to him that to attempt to improve the morals of the people by Act of Parliament was a great mistake. He thought it would be better if the right rev. Prelates and others who interested themselves in this question, would endeavour to set a good example to the community. If a Bill of this kind were desirable at all, it should have been taken up by the Government with all the assistance which they could command to render it as perfect as possible. But he protested against this kind of interference altogether. There was a certain class of persons who were never at rest unless they were either showing intolerance to their neighbours, or making loud professions of superior sanctity. That was a class whom he always looked upon with suspicion, because in his dealings with them he had invariably found them the readiest to impose upon others, and the least ready to do justice.

MR. ROEBUCK also begged to enter his protest against this ill-considered and crude piece of legislation, which he described as the result of a species of cant which was almost as dangerous as vice.

MR. MOWATT had also felt himself obliged to oppose the Bill, because it was calculated to mislead the people for whose benefit they affected to legislate, namely, the parents of females in humble life, by teaching them to dispense with the moral education and training of their children, and lean only upon the Legislature.

MR. SPOONER, in reply, said that there had only been a few verbal alterations made in the first clause; and with respect to the two clauses which had been added since the Bill came from the Lords, they were clauses which it was not usual for the Lords to insert in Bills. Whether it was competent for them to do so, he would not say. With respect to the epithets "cant" and "superior sanctity" which had been applied to the promoters of the measure by the hon. Members for Sheffield and Montrose, he begged to say that they were words which were very easily used, but not so easily justified. If the hon. Members meant to impute, either to his right rev. relative or to himself, that they made any pretensions to superior sanctity, the only answer he would make to the charge was, that if, upon consideration, the hon. Members forgave themselves for so unjustifiable an attack, he and his right rev. relative would forgive them also.

Mr. ROEBUCK did not desire to impute any thing to the hon. Gentleman. He only meant to say that the House, in passing this measure, was yielding to an unworthy cry out of doors.

Amendments made; Bill passed, with amendments.

BANKRUPT LAW CONSOLIDATION BILL.

Order for Committee read.

The ATTORNEY GENERAL said, in rising to move that Mr. Speaker leave the chair to go into Committee on this Bill, he hoped he should be allowed to say a few words on this subject, which was one of very considerable importance, and he could only expect the House, at that late period of the Session, to take what he had to say on trust. The Bill came down from the House of Lords on the 8th of June, and was read a second time on the 18th of that month, and it was then determined to refer it to a Select Committee; the Members of which had attended upon almost every occasion, and had attentively examined the details of the Bill, with the view that nothing should be introduced into the Bill which in any way tended to damage it. The Bill came down in the shape of a code with schedules annexed, and in a form differing from the ordinary Acts of Parliament. It at once occurred to the Committee to consider whether the form of the Bill was not such as to render it difficult of working. On this point they had taken the opinions of persons conversant with matters of the kind, without troubling the House for its decision. The result was, it was determined by the Committee, he believed on the Motion of the hon. Member for Leominster, to put the measure in the shape of an ordinary Act of Parliament. He thought, without the House having given directions to the Members of the Committee on the subject, it would think that their proceedings had been right. The Committee felt that it might lead to difficulties of a nature which should be cautiously avoided if they allowed a measure of this kind to be diverted from the ordinary forms without the most ample consideration. The Bill which came from the House of Lords was not only a consolidation and amendment of the law of bankruptcy, but it also contained provisions for the creation of new officers for the performance of new duties, and to which salaries were affixed. It occurred to the Committee that they had not time to enter into that part of the Bill, and they determined if it was judicious to alter the constitution of the court, it would be better to have this done by a second Bill, and, in the meantime, the administration of this new law should be entrusted to the old court. The Bill, as it came down from the House of Lords, enacted several new acts of bankruptcy. One of these appeared to the Committee to be of an alarming character, and which they thought they had not time to take into full consideration. It was one which enacted that all secret transfers of property should be considered as acts of bankruptcy. There was a further act of bankruptcy specified in the Bill, with which the Committee were not satisfied, to the effect that any person who should levy, by execution or sale, should be held as having caused an act of bankruptcy: these propositions were accordingly rejected by the Committee. The Committee had taken great care to adhere most scrupulously to the enactments of the old law, so as not to unsettle the decisions of the courts. The amendments which they had introduced he would explain, if necessary, in Committee. All that he asked was, that the House should give the Select Committee some credit for anxiety to do nothing to impede or injure the trade of this great country. There were no doubt introduced into the measure certain points of general improvement. Such were the clauses introduced, at the unanimous desire of the retail traders of the metropolis, giving facilities for private arrangements without imposing upon the parties the necessity of coming into court. The Committee had deemed it to be their duty to accede to these alterations, being certain that at the worst they could do no harm. In asking the House to go into Committee upon the Bill, he was conscious that he must ask them to take a good deal upon the faith of the Committee. There were a great number of clauses in the Bill, but the numerical majority of these introduced no new matter, and would not therefore tend, he thought, to provoke anything like extended discussion. The hon. and learned Gentleman concluded by moving that the House resolve itself into a Committee on the Bill.

MR. J. STUART expressed his sense of the obligation due to the Committee for the extraordinary labour and attention which they had bestowed upon the Bill before the House. He was certain that as it had come from them it must have received many essential improvements, and that with respect to many of the points to which their attention must have been directed, although there might be a difference of opinion as to these points, yet that on the whole, considering the present state of the law, the Bill before them had come out of the hands of the Committee in a shape which entitled it to the respect and attention of the House.

SIR J. GRAHAM was glad to join in any tribute of applause which could be paid to the Committee, but at the same time he was bound to say that that which they were now invited to do required more than ordinary deliberation. They were about to enter into the consideration of one of the most important branches of the law which affected the trade and commerce of this country. The words in which the hon. and learned Gentleman the Attorney General couched this invitation, were in themselves startling. They were invited to enter into the consideration of a Bill containing 278 clauses, embracing, in fact, the whole bankrupt law, and they were told that they must be content to take a great deal upon the faith of a Committee. He hoped, however, that adequate explanations would be given as the Bill passed through its various clauses in Committee. Admitting the obvious advantages of a consolidation of the law, he thought that in matters of such vital interest great care ought to be taken that under the guise of consolidation there was no chance of anything like real change being introduced. If the time would allow, all the changes actually effected ought to be fully explained to the House; but the fewer the number of these, the greater would be his confidence in the measure. He was willing to go into Committee, but he hoped that the House would not consent to pass the Bill as a mere matter of form, without attention and without care. He was informed that the consolidation clauses were by far the greatest number, and that the amendments were but few. In that case the discussion, of course, need not be an extended one.

The ATTORNEY GENERAL said, he proposed in Committee to point out all the important alterations. The repealing schedule had been adopted from the Attorneys and Solicitors' Act as a convenient form; the Committee had delegated to him the duty of examining it, which he had done carefully; and, with one or two verbal alterations, it might be taken as strictly correct.

The House then went into Committee.

Clauses 1 to 5 were agreed to.

On Clause 6,

The ATTORNEY GENERAL said, a new principle was introduced in the mode of commencing proceedings. Instead of petition to the Lord Chancellor, the petition would be to the Court of Bankruptcy, with an appeal to the Vice Chancellor's Court. To this alteration the Lord Chancellor did not object.

In answer to Mr. HENLEY,

The ATTORNEY GENERAL stated that the remodelling of the offices was to be effected by another Bill. No new officers were appointed, nor were any additional duties devolved on existing officers, except on the chief registrar, at present a sinecure. By a subsequent clause, the 7th, power was given to abolish two commissionerships on the death of the commissioners; and by the 9th to make a redistribution of the bankruptcy districts in the country.

SIR J. GRAHAM asked if any increase of salaries was proposed, or new fees given for additional duties, as had been done in another court?

The ATTORNEY GENERAL said, there were no new officers created, or new salaries given. Some fees were reduced, and new modes adopted of charging the fees, by means of stamped papers issued from the board of inland revenue. All fees would go to the funds of the court, and would not be receivable at all by the officers. Parties, instead of paying a lumping fee, as at present, would pay small fees as the business was done.

Clause agreed to; as were Clauses 7 to 13.

On Clause 14,

The ATTORNEY GENERAL stated, that Clause 14 gave power for a special case to be stated to the Court of Equity, as was now done to courts of law.

Clauses agreed to; as were Clauses 15 to 19.

On Clause 20,

The ATTORNEY GENERAL stated, that certain duties, including the redistribution of the business, had been given to the senior commissioner, only because it must be done by some one. Opportunity had been taken of reducing the number of registrars in the event of death.

Clause agreed to; as were clauses down to 124. In the course of the proceedings,

The ATTORNEY GENERAL stated, in answer to questions, that in future there would be but one account in bankruptcy, instead of several, as at present. Fees were now paid in money, which had given rise to some dissatisfaction, and hence the provision for their payment through stamped documents. No fees at all would be received by the officers, the payments being made for the stamped documents, to the board of inland revenue. This applied to the whole of proceedings, except to fees on taxation and other proceedings. No claim for compensation was given by the Bill; it was simply a re-enactment of the old law. The Bill, when it came from the House of Lords, had comprised provisions relating to the bankruptcy of Members of Parliament, which the Committee had struck out, as not coming within the scope of a consolidation of the bankrupt laws. Clause 69 preserved the former period of 15 days between the commencement of proceedings and the issuing of a fiat. Clauses 75 and 76 were new; they made the filing of a declaration of bankruptcy in India an act of bankruptcy in England. Clause 77 related to private arrangements by composition deeds, and made the composition deed an act of bankruptcy, of which any creditor might avail himself.

Mr. J. WILLIAMS said, this clause had excited much discussion in the Committee. It was felt a hardship that Members of that House who were traders should be placed in a different position from other Members.

The ATTORNEY GENERAL said, that Clause 78, referring to summonses in bankruptcy, required that, in addition to the affidavit of a good defence on the merits, parties should give two securities to answer the claim. But this was left in the discretion of the commissioners. Clause 86 gave the power of inflicting costs where a party was vexatiously summoned. Clause 95 established a register of petitions from the country in the office of the secretary in London. This was new machinery, but would involve no additional expense. Clause 112 referred to intermediate protection between the surrender and the certificate. There were cases where such protection ought not to be given, as in the cases of fraudulent debts, defrauding the revenue, &c.; and in these cases the protection was refused. Clause 118 re-enacted a former Act against the examination on oath of a bankrupt or his wife; a bankrupt might be examined, and if he made a false statement, he was subject to an indictment for perjury. Clause 120 gave the power of arresting a party about to abscond. Clause 124 was new; where a party admitted a debt, on examination in bankruptcy, under the advice of his attorney, it might be made conclusive evidence against him in an action for the debt.

The remaining clauses and schedules were then agreed to.

House resumed. Bill reported as amended.

Committee reported progress; to sit again To-morrow.

And it being Six of the clock, the Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 26, 1849.

Minutes.] Public Bills.—1ª Nuisances Removal and Diseases Prevention; General Board of Health; Metropolitan Sewers; Consolidation Fund (Appropriation); Treasury Instruments; Customs.

2ª Municipal Corporations (Ireland); Collection of Rates (Dublin); Dublin Improvement; Pilotage; New Forest and Waltham Forest.

Reported.—Dublin Improvement; Bankruptcy (Ireland); Royal Pavilion (Brighton); New Zealand Land Conveyances; Judgments (Ireland); Chapels of Ease (Ireland).

3ª House of Commons Offices; Joint Stock Companies Act (1848) Amendment; Regimental Benefit Societies; Militia Pay; Trustees Relief; Enlistment (Artillery and Ordnance).

Petitions Presented. By Lord Wharncliffe, from Northumberland, for the Adoption of Measures to prevent Explosions in Coal Mines.—By Lord Beaumont, from the City of London, for the Adoption of Measures to secure the immediate Recognition of the Government of Hungary.

INCUMBERED ESTATES (IRELAND) BILL.

Lord CAMPBELL, in moving the Order of the Day for taking into consideration the Commons' Amendments to their Lordships' Amendments on this Bill, and the reasons which they assigned for insisting on their Amendments, observed that this was a Bill which had received very much consideration. On coming up from the House of Commons, it was referred to a Select Committee of their Lordships' House, where considerable alterations and amendments were introduced. When the Bill went down to the other House, he must say that there was every disposition to accept the Amendments of their Lordships; and the Government did all in their power that these Amendments might be adopted. Of the numerous Amendments introduced by their Lordships, the Commons adopted all, without any modification, except two. These two were so very different from each other that it would be much more convenient to consider them separately, and therefore he should begin with the first Amendment made by the House of Commons on the Amendments of their Lordships. They had substituted the word "net" for the word "gross" in the clause relating to estates where part of the land was subject to a receiver, or in the possession of an encumbrancer. The Commons were almost unanimous on that point; and he thought that his noble and learned Friend would agree to that Amendment, because otherwise the object of the Bill would be defeated altogether. As the clause was framed by their Lordships, an estate might produce nothing, and yet it could not be sold. He moved, therefore, that their Lordships do agree to this Amendment of the Commons.

Lord STANLEY could not say that he thought the Amendment made by the Commons an improvement in the Bill. At the same time, as very great improvements had been made in the Bill in its progress through Committee, and as the Commons adopted the principle laid down by their Lordships, and the alteration related to a matter of detail, he should not move their Lordships to reject the Amendment.

Lord BROUGHAM entirely agreed with what had just fallen from his noble Friend, and should offer no opposition to the Amendment.

Amendment agreed to.

Lord CAMPBELL said, that the second Amendment which had been introduced into the Bill, was to the effect that no "usher's poundage" should be received upon the payment of money into the Court of Chancery, which was the product of the sale of estates sold by order of the Commissioners under this Act. When this clause came before the Committee of their Lordships, he was informed that the present usher of the Court of Chancery held a patent, by which he was entitled to poundage upon all moneys whatever paid into the Court of Chancery, and the clause was accordingly struck out. He had, however, since learned, upon the highest authority, that all moneys paid into the Court of Chancery, arising from the sales of estates sold under the decrees of that court, were exempted from the payment of this poundage. He had, therefore, to move that their Lordships agree to the Commons' Amendment.

Amendment agreed to.

THE WAR IN HUNGARY.

Lord BEAUMONT presented a petition, signed by David Salomons, Alderman, the chairman, on behalf of a public meeting held a few days since in the city of London, on the subject of the war in Hungary. He did not wish, in presenting the petition, to say anything which might lead to a discussion upon the subject at the present late period of the Session. Every person must be of opinion that the war in Hungary was a subject of deep regret, and that whoever of the parties might come out of the contest the conquered or the conqueror, the effect upon them would be to weaken the two Powers engaged in it—the empire of Austria and the kingdom of Hungary—which, when united, formed a great element in the balance of power in Europe. The prayer of the petitioners was, that this country should immediately recognise the existence, *de facto*, of the kingdom of Hungary, and that this step was no less demanded by considerations of justice and policy, and the commercial interests of the two States, than with a view of putting a stop to the effusion of human blood, and of terminating the fearful atrocities which had marked the progress of the Austro-Russian armies.

Lord BROUGHAM thought the noble Lord who had just sat down had exercised a sound discretion in not entering at all upon the merits of the dispute between Austria and Hungary. The noble Lord had said that the balance of power in Europe was endangered by the war between Austria and Hungary; but he (Lord Brougham) thought it was more likely to be affected by the fact that at the meeting at the London Tavern, a great public agitator had threatened to crush Russia. He had said that he could tear Russia to pieces. Russia, containing sixty millions of people, he had said he could crush as easily as the piece of paper which he held in his hand on the occasion. And how did the hon. Gentleman propose to crush Russia? Why, by peaceable means, by agitating the city of London against that nation. The public agitator to whom he (Lord Brougham) referred, proposed to destroy Russia by preventing any loan being made to her as long as Russia was Russia, because the hon. Gentleman undertook to say that he could prevent any man in the city of London negotiating a loan with Russia, whatever might be the amount of interest offered. He (Lord Brougham) ventured to say there was not a man on the earth, or even under the earth, who could not get in the city of London a loan for our own country at 6¼ per cent interest if it were offered, and at 6½ for another country.

Petition to lie upon the table.

RAILWAYS ABANDONMENT BILL.

The Earl of GRANVILLE moved the Second Reading of this Bill, the object of which was to enable railway companies to abandon any portion of their undertaking by means of a cheaper process than that which at present existed.

The Earl of EGLINTOUN said, he thought that this was one of the many Bills of which the House had a right to complain being forced on their attention at so late a period of the Session, when there was no possibility of giving it proper consideration. The Bill proposed to abrogate a power which had hitherto belonged to their Lordships' House, and to vest it in the hands of Railway Commissioners. He would not express any opinion about the advisability of such a step; but he thought that where the House was about to do so important a thing as to place a power which it had hitherto exercised, in other hands, some time for discussion ought to be allowed. He objected to the present Bill, because it went farther than a similar measure which had been projected and passed by the Earl of Dalhousie. It was provided by that Bill that the whole of the shareholders in a company must agree to its dissolution, and to the winding up of the concern; but by the present Bill it was only necessary to obtain the consent of three-fifths of the shareholders in order to abandon an undertaking. He also objected to the Bill, because it enabled parties to do that by a side wind which their Lordships had objected to after consideration. The noble Earl concluded by moving that the Bill be read that day three months.

Lord REDESDALE said, that he entertained some very strong objections to the provisions of the Bill, in consequence of the position in which parties would be placed who might have railway works left in an unfinished state upon their property.

Lord BEAUMONT thought that there was a great difference in the case of railways being abandoned where no works had been commenced, and in other cases where the works had commenced. In the one case, he considered it advisable that every facility, consistent with the interests of all parties, should be given for enabling them to get rid of speculations into which they had entered, perhaps too rashly. But, in dealing with the latter class of cases, great caution was necessary, as the injury sustained by the abandonment of the railways could not be decided by the amount of compensation which had been originally given for the land, that amount having been received on the supposition that a railway would be made upon the land.

The Earl of GRANVILLE observed, that there had been many propositions for enabling joint-stock companies to settle their affairs outside the walls of Parliament, but generally it had been thought not expedient to take authority of so grave a character out of the hands of Committees of that or the other House of Parliament. The present Bill, however, had been regarded as an exception to that rule; and it was likewise thought by those who were best qualified to form a judgment on such subjects, that the Railway Commission would be an extremely fit body to decide upon the conflicting claims with which the measure now before their Lordships was intended to deal. He was sure every one would agree with him in thinking it highly advantageous to all parties concerned, that railways should be abandoned in every case where the companies which undertook them did not possess sufficient capital for carrying out the works. In such cases it would be highly desirable to have all claims settled before it became too late; and let it be remembered that the Bill was not one to settle the affairs of railway companies, but merely a measure to enable them to apply to the Railway Commissioners for leave to settle their affairs.

The Duke of WELLINGTON said: I know nothing of this measure except what I have heard since the commencement of the discussion upon it; but, my Lords, it appears to me, that if you pass this Bill, you will at once, in effect, repeal that vast number of Acts which you passed during the last few Sessions, and which involved the outlay of millions of money, and the interests of vast numbers of persons—and you will wipe away the whole of the property which has been invested on the faith of those Acts of Parliament. Great powers may have been given to the Railway Commissioners by former Acts of Parliament; but, my Lords, I believe that when those Acts were submitted to your Lordships, time was given for their consideration. But no time has been allowed to us for the consideration of this measure. Here is a Bill which was only introduced three days ago, and now, within three days of the prorogation of Parliament, your Lordships are asked to give it a third reading. Are we to decide at so short a notice to give to a Government Board and to individuals personally interested, the power of, in fact, repealing many of the Acts which were deliberately passed a few Sessions ago? We have not had time to look through this Bill, nor to consider the condition and security on which the Railway Commissioners are to adopt the course proposed by it. I am sure, then, that your Lordships will feel that this is a measure which you ought not to pass at this late period of the Session.

LORD STANLEY entirely concurred with his noble and gallant Friend who had just sat down in the objection he had made to proceed with the Bill at this time. If their Lordships were not determined on the last days of the Session to pass every Bill brought up from the other House of Parliament—if they meant to put an end to the vicious system of thus disposing, without time for consideration, of the measures brought before them, there was no measure to which they could apply the rule so wisely and judiciously as the present one. There was no necessity for the Bill in point of urgency—there was no reason why it should not have been brought under their consideration a long time ago; and he saw nothing in the Bill to prevent it originating in their Lordships' House, and being subsequently discussed in the Commons. He found on their Journals a Standing Order that was very applicable to the present proceeding. On the 5th of May, 1668, there was a report of the Lord Chamberlain in regard to a Bill that was very long, and consisted of many paragraphs, coming from the House of Commons so near the time of adjournment; and he stated that he was commanded to enter upon the Journals of the House that no such argument should be used hereafter as had been then used, namely, the shortness of the time for the passing of a Bill as a reason for precipitating the passing thereof; and upon due consideration the Lords Spiritual and Temporal in Parliament assembled agreed to the report, and ordered it to be entered upon the roll of the Standing Orders of the House. He (Lord Stanley) hoped that the Peers of the present day would bear in mind the objection that was taken in 1668, when it was laid down as a Standing Order that no such argument should be used in regard to any Bill for the future to precipitate the passing thereof in a short time before the rising of Parliament. It might be quite right to facilitate the abandonment of railway speculations; but at the same time he entertained a great doubt whether they should give those great facilities for the abandonment of projects undertaken for the benefit of the public, and for the performance of which extraordinary powers were obtained at the hands of Parliament. It might be right to save those parties from the expense of separate Bills in each particular case, and by one Bill to divest their Lordships of the power of judging in a Committee of the House of the expediency of abandoning the works in each particular case; but surely it was most important, when they were passing such a general measure, that they should have the fullest opportunity of discussing the provisions under which they gave up that power to the Railway Commissioners. He would not then pretend to discuss the merits of this Bill; but, considering the number of petitions against the Bill—considering the great interests involved—considering also that this was, in point of fact, a measure to permit the railway companies to abandon projects which were sanctioned by Parliament, and likewise that their Lordships were divesting themselves of the power of judging in each particular case—he hoped the Government would not press the Bill in the course of the present Session; but that, if a general power was given, it would be given under circumstances in which the House might give full consideration to the details of the Bill, so that it would meet the object that was sought to carried out.

The EARL of HARROWBY also considered that the measure required the most mature deliberation, and it would be a public detriment to hurry it forward this Session.

Earl GREY said, if their Lordships intended to persevere in their opposition to the Bill, of course the Government could not expect to pass it this Session. At the same time he thought that its rejection would inflict great injury on those very parties in behalf of whom the noble Earl (the Earl of Eglintoun) and other noble Lords had addressed their Lordships. If this were a Bill to give a general and indiscriminate power to railway companies to procure an order for dissolution from the Railway Commissioners, it would be an extremely objectionable measure. But, on the other hand, it was perfectly clear that there were many cases in which railway companies had commenced their operations without any adequate means. It was most desirable that such parties should be allowed to dissolve after making compensation to the landowners whose land they had cut through. The Railway Commissioners would, under this Bill, have to consider each individual case of dissolution which might be brought before them, and notice of the intention to apply for leave to dissolve would have to be inserted in the newspapers; and parties concerned would be heard against the proposed dissolution. Their Lordships must assume that the Railway Commissioners would exercise their powers rationally and judiciously. Due care would be taken to carry out the clause giving compensation to the landowners and other parties affected by the undertakings. If their Lordships rejected the Bill, their doing so would be prolonging the existence of insolvent and ruined companies, and driving them to further expense—amongst other things driving them to the expense of an individual Act of Parliament, and thus materially diminishing the funds that might remain to them for the payment of their debts. It was, therefore, manifest that such a measure as this ought not to be objected to. He was far from denying that the Bill was open to the objections taken by the noble Duke, and admitted that, Parliament having, a few years ago, authorised by Bills railways to be formed, it was a great inconvenience to give those Railway Commissioners the power of setting aside those Bills. That inconvenience resulted, however, from the careless manner in which Parliament had passed those Bills. Little or no inquiry was made as to the necessity of those railway measures, or as to the solvency of parties promoting them. Having got into this difficulty, the question now was how they were to get out of it. He believed that the best course, upon the whole, was to adopt the simple machinery provided by this Bill for investigating individual cases, and enabling those companies who could not go on to distribute their funds to the best advantage. Although he admitted that noble Lords had the power of delaying the measure by pressing their objections, yet he could not disguise it from himself that by doing so they would inflict injuries on the very parties they professed to serve.

The **Earl of GRANVILLE** said, that the Bill had been very carefully considered, not only by the Solicitor General, but by many other Members of the House of Commons. As the Bill was important, and not lightly brought forward, he did hope their Lordships would at least allow the debate to be adjourned till To-morrow. He admitted there were certain defects in the measure. If between that time and To-morrow those imperfections could be remedied, he should bring the subject again under their notice, otherwise he should not press the measure during the present Session.

Lord REDESDALE did not admit the claim of parties who had entered upon these speculations to be allowed to get out of their difficulties by dissolving their respective companies, without the slightest reference to the localities for whose benefit the scheme purported to have been designed. He suggested that, instead of this proposal, companies unable or unwilling to prosecute their schemes, should be enabled to sell their lines to some other company disposed to buy them.

The **Marquess of CLANRICARDE** supported the Bill. They had never heard that the powers of the Railway Commissioners were abused, and if they looked to the clauses of the Bill, they would find it only provided that, after hearing and considering the circumstances, the Commissioners were to pronounce their judgment. When they looked to the responsibility of their position as regarded both Parliament and the public, they could hardly doubt that the decision of the Commissioners would be a sound one.

Lord BROUGHAM felt very strongly the argument of his noble Friend at the table, and his noble Friends behind him, as to the impropriety of passing a Bill of that nature without due discussion; but at the same time he should deeply lament the necessity for stopping the measure for this reason—he could not help thinking that Parliament was responsible for passing those Bills so easily, and with a degree of facility that was surprising. He should most deeply regret if it were found impossible to pass it, but only for the reason he had just stated.

The MARQUESS of LANSDOWNE thought the proposition made by his noble Friend was a perfectly fair one, namely, that the second reading should be postponed to the following day for the purpose of procuring further information. If this Bill were rejected, it might have very ill consequences, and more especially as it related to a Bill that had already passed their Lordships' House.

LORD STANLEY hoped it would be understood, after the discussion that night, that the Bill, in its main provisions, was not to be persisted in by Her Majesty's Government.

The EARL of EGLINTOUN consented to withdraw his Amendment, on the understanding that the Government would state To-morrow evening, whether they thought it expedient to proceed with the Bill during the present Session.

Debate adjourned till To-morrow.

PILOTAGE BILL.

The EARL of GRANVILLE having moved the Second Reading of this Bill,

The DUKE of WELLINGTON said, the object of this Bill was to give facilities to shipowners, with the view of relieving them from certain expenses to which they were at present subject; but he confessed that he doubted much whether the measure would afford them the relief from expense which they anticipated. But what he was chiefly apprehensive of with regard to this Bill was, that it would have the effect of putting down a certain ancient establishment which had existed time out of mind, and which had been most useful in the difficult navigation of the narrow seas, and most particularly in communication with this great commercial metropolis. Under the existing law, all vessels coming up the Channel were under the necessity of taking pilots on board, and of making signals that they were in want of pilots; but the object of this measure was to relieve those vessels from making such signals which might have on board a person certified to be competent to take charge of the ship in these narrow seas; and he was fearful that the consequence of the measure must be to put down that body, the fellowship of pilots, who had hitherto contributed by their labours to the safety and the usefulness of the navigation. The fellowship of Cinque Ports pilots existed under the provision of the Act of Parliament. Its duties were carried on under the superintendence of the Privy Council. No alteration could be made in its number, except by the consent of the Privy Council; and its remuneration had been fixed by Act of Parliament. Under these circumstances, therefore, he said that Parliament had formed and patronised this institution; and he entreated their Lordships to consider well before they adopted any measure that might have for its effect the putting of it down. He had held the office of Lord Warden of the Cinque Ports for the last twenty years—from 1829; and during the ten years from 1829 to 1839, there were 3,800 ships brought into the river in each year; and there had been only twenty-two complaints of any misfortune or misconduct on the part of the pilots during these periods. These complaints were all inquired into, and it turned out that only nine of them out of the twenty-two had any foundation. In the following ten years, from 1839 to 1849 (with 3,800 ships in each year), there were only fourteen complaints, and of these fourteen only six were found on inquiry to warrant any cause of complaint against the pilots. Now, considering the number of ships in the course of three years carried in safety by means of this fellowship of pilots, and that in the course of each of these periods of ten years so few complaints had been made, and every one of them inquired into, he thought their Lordships might reasonably suppose that they were a very useful institution, and that very great care ought to be taken in taking any steps that might tend to destroy it. The pilots were 120 in number; and if more were wanted, he (the Duke of Wellington) as Lord Warden, could apply to the Privy Council for an addition. Now, it certainly did seem to him that under this Bill it was placed in the power of any individual holding the position of Lord Warden of the Cinque Ports to give licenses to masters and mates of ships to undertake to navigate them in place of the fellowship of pilots; and he certainly, as Lord Warden, should not give a license to any individual to take charge of a ship unless he should prove himself, by examination, such as was required by the Act of Parliament to which he had referred, to be completely competent to all the dangers of the navigation, and capable of taking charge of a vessel, and bringing her in safety to the port. But the moment he signed a certificate for the master or mate, the ship would be immediately exempted from the necessity of taking on board a pilot. Therefore, it might depend upon the act of a single individual holding the office of Lord Warden, whether this fellowship of pilots should be put down or not; and he did not think it would be very desirable for the interests of the shipowners themselves to put down that institution, and to have instead a person on board of each ship who should have a knowledge of the pilotage. There was now a sufficiency of pilots to convey in safety 3,800 ships annually; and he thought it more desirable to the commercial interests to have the advantage of such an institution to perform this duty, than to be compelled to leave a pilot on board every one of these vessels to make the whole voyage. He confessed he did not see what advantage such an arrangement as that would offer in point of expense. He begged to observe, that, according to the best calculations that he could form, the average expense for these pilots was from 3*l.* to 4*l.* for each ship; and how could it be supposed possible that each of these pilots put on board of one of these ships, and going a long voyage, would not get more than 4*l.* by way of wages? That was the sum paid for a pilot at the end of the voyage, under the Act of Parliament; but if that man was put on board of a vessel and performed the voyage, he would have to receive his wages: and could any one suppose that they would not come to as much as 3*l.* or 4*l.*, or even to 10*l.*, or perhaps as much as 20*l.*? He confessed to their Lordships that he doubted the advantage of such an arrangement, even in point of economy, to the shipowner; and he was sure that, for the commercial interests of that metropolis, it was advisable to refrain from taking any measures that might have the effect of putting down the fellowship of pilots.

The MARQUESS of LANSDOWNE said, that this Bill had for its object, and for its sole object, to relieve the shipping interests of this country from an existing burden which was strongly felt by individuals. At the same time that he must contend it was found to be a burden by numerous classes, and had been strongly represented by them to be such, he would be the last person in the world who would wish to proceed even to remove that burden, by doing anything that threw contempt or disparagement upon existing authorities whom we were bound to respect, not only on the ground of their antiquity, but for the long and efficient administration of the important duties committed to their charge. But he begged the noble Duke and the House to recollect that this Bill, so far from being founded upon disrespect for these existing authorities, was founded rather upon the most entire confidence in and respect for them, because it was a permissive Bill, and nothing but a permissive Bill; and under it the noble Duke, who discharged his functions as Lord Warden of the Cinque Ports with such great ability, would be left entirely at liberty either to preserve the existing system entirely as it stood, or to introduce into it such modifications, and such modifications only, as he might think expedient. But, further, this Bill certainly did give to other parties who had long exercised the same functions, and who were in a position which rendered them competent to judge how far the existing compulsory enactment could be judiciously dispensed with — it conferred upon them the privilege of dispensing with the compulsory enactment under such circumstances and under such limits as they thought fit, and believed most conducive to the safety of the public interests. At present the case of steamers was felt to be one of very great hardship, as, although possessing far superior knowledge and facilities as regarded entering port, compared with other vessels, they were yet subject to all the burdens which existed long before steam navigation was introduced. He could not help thinking that such corporations as the Trinity House and others enumerated in this Bill, were likely to exercise this particular duty, or rather relaxation of duty, cautiously and safely for the public advantage. The noble Duke himself had stated the conditions which he would require before he admitted any one to be pilots, even for their own ships; and he (the Marquess of Lansdowne) had no doubt but other corporations would use the same caution; and he hoped the system of licensing the masters and mates of ships would be beneficial in its consequences as affecting their character, and would prove—what it was very necessary, in the present state of our mercantile marine, should be proved to those connected with it—that sobriety and regularity of conduct would entitle certain men to privileges, which others, pursuing a different course of conduct, would be deprived of; showing that those masters and mates who were competent to do the duty of a pilot, being acquainted with the navigation, and possessing the other requisite qualifications, would enjoy advantages which others less sober and less acquainted with the place, would not be able to obtain. Upon the whole, he thought this Bill one which their Lordships could safely pass, and particularly at a period when the burdens of the shipping interest should be lightened as far as possible; and he had no doubt that the other bodies mentioned in this Bill, would all discharge the functions it entrusted to them as wisely and judiciously as he was sure the noble Duke who had just addressed them would perform his.

LORD STANLEY was averse to retaining any burdens, especially under existing circumstances, that pressed upon the shipping interest; but with regard to this Bill, he must say it appeared to him, both by the statements made elsewhere, and by the noble Duke, that no pecuniary burden or practical inconvenience arose under those parts of the system of pilotage which this Bill sought to amend. This Bill was only introduced into the other House on the 12th of July, as a measure the importance of which he believed to have been greatly exaggerated by the Government; and he (Lord Stanley) had only just received a petition from the port of Hull, and from persons interested in the navigation of the Humber, praying that the Bill might not be allowed to come into operation; but owing to the haste with which the measure was pressed through the other House, the petition had not been able to reach town in time for presentation. There was nothing very urgent or pressing with regard to the passing of this Bill; and why did not the Government allow it to stand over till the whole of their scheme with respect to the mercantile marine was brought under the consideration of Parliament? By the present law a steady supply of pilots was kept up in each of the jurisdictions, adequate to meet the wants of the traffic; but if this Bill were passed, the number of masters and mates licensed would be uncertain and fluctuating, the amount of the payments realised by the corporations would become uncertain and much diminished, and the consequence would be that the fellowships would be obliged largely to reduce their staff, being dependent upon the uncertain and fluctuating number of licenses granted to masters and mates. The noble Duke, whose official acquaintance with the subject rendered him a high authority on the question, so far from believing the Bill would be a relief to the trade, or a benefit to the shipping interest, had expressed his conviction that it would only enhance their existing burdens, and be otherwise injurious in its results. It was true, as the noble Marquess said, the Bill was only permissive; and therefore, after the declaration of the noble Duke as to the course which he would individually pursue if the measure were to become law, the Bill would be practically a dead letter so far as the functions of the noble Duke were concerned. But if the Bill might lead to mischievous and inconvenient consequences in its effects upon the shipping interest and trade of this country, then he (Lord Stanley) concurred with the noble Duke that it ought not to be left to the discretion of one individual authority, who besides could adopt one system in one part of the kingdom, while a totally different system might be practised in another. But, further, he wished to ask, did they intend to confine these licenses to British vessels and British men? Did they intend, by sanctioning the admission of British vessels with licensed masters and mates, and thereby relieving them of an expensive pilotage, to give them an advantage over foreign masters and foreign mates? If they did, it appeared to him that it would be inconsistent with those obligations which bound them to put the trade of our own and other nations upon an equal footing. But if we said that we meant to grant foreign masters and mates licenses to bring their ships into British harbours, he would ask whether it was wise or safe—in a national point of view—to adopt that course? If, as had often of late been represented to be the case, although for his part he very much doubted it—but if it were true that foreign masters and foreign mates were much more intelligent—or even merely as intelligent as British masters and British mates, was it wise or prudent, by holding out the premium of exemption from pilotage charges, to induce foreign and naval seafaring men to acquire that knowledge of the difficulties and intricacies of our harbours and rivers which might be certainly very useful in time of peace, but which in time of war it would be very undesirable that they should possess? So that by this Bill either they must put foreign shipping upon an unfair footing, or else they must induce, by holding out an unfair footing in violation of our treaties and obligations, by holding out a pecuniary premium in the shape of exemption from pilotage charges, to acquire a knowledge of our navigation, which in time of war they could turn to account in a manner very injurious to this country.

Lord COLCHESTER gave his testimony in favour of the fellowship of pilots, over whom the noble Duke (the Duke of Wellington) presided, and opposed this Bill, as likely to produce very injurious effects. He should also anticipate much advantage from the establishment of sailors' homes.

The Earl of GRANVILLE, in reply, said he did not think there was any point in connexion with this Bill which had not been anticipated by the noble Marquess (the Marquess of Lansdowne). With respect, however, to the permissive power given to the Trinity Masters with respect to treaties with foreign nations, he did not think that our treaties with foreign Powers would compel us to admit as pilots the seamen from foreign vessels; but he was of opinion that if a French vessel had a man on board both ready and competent to be examined by the Trinity-house, it would be unfair to deny him the privilege. He anticipated no difficulty from permitting foreign nations to become acquainted with the technicalities of our harbours and rivers. At present the ships of Holland, France, and the United States, under 60 tons burden, were allowed to enter our harbours without pilots; and it was notorious that smugglers on the opposite coast were as well acquainted with all the ins-and-outs of our coast as any licensed pilots could be.

The Earl of ELLENBOROUGH believed that this Bill had been introduced at the present moment, and was now being hurriedly passed through the House, in order to meet the demands of the owners of steam vessels regularly plying between this country and the neighbouring coasts. But in modern legislation, the remedy for a grievance, instead of simply acting as a cure, led to evils greater than the malady sought to be removed. A certificate once given, testifying to a man's knowledge of a particular locality, lasted for a year. A man might proceed on a long voyage, but on his return he would be necessarily unable to navigate a coast whose characteristics had changed. Whilst he felt every confidence that neither the Trinity-house nor the Lord Warden of the Cinque Ports would give a certificate improperly, he could not place the same reliance on those other authorities in whom this Bill would vest the power of giving certificates. He saw danger in certificates being granted by the Trinity-house, merely because a man showed himself acquainted with a particular locality; and he should say that no certificate should be granted except for competency to ply between our own and the neighbouring coast. He objected to leaving with the Trinity-house the power to decide with respect to reciprocity treaties; and, generally, he saw considerable risk attending the operation of this measure. He thought it would diminish the inducement to enter the pilot service, and by so far increase the danger of navigating the shores of this country. Legislation on the subject should have been preceded by a searching inquiry. He doubted whether this Bill would be productive of economy. A few pounds might be saved by employing mates instead of pilots; but the charge for insurance would be found to advance, for in proportion as the insurance companies saw risk from the employment of incompetent persons to navigate the vessels insured, would they increase the rate of premiums. Thus, what was saved in the pilotage of a vessel would be lost in the charge for insurance. Entertaining these objections to the measure, he moved as an Amendment that the Bill be read that day three months.

On Question, "That the word 'now' stand part of the Motion,"

The House divided:—Content 15; Not-Content 10: Majority 5.

List of the CONTENTS.

MARQUESSES.
Lansdowne
Anglesey
Clanricarde

EARLS.
Suffolk
Carlisle
Grey
Minto
Granville
Strafford

BISHOPS.
Manchester
Hereford

BARONS.
Say and Sele
Byron
Campbell
Monteagle of Brandon

List of the NOT-CONTENTS.

DUKE.
Wellington

EARLS.
Warwick

Powis
Nelson
Harrowby
St. Germans
Ellenborough

BISHOP.
Chichester

BARONS.
Stanley
Redesdale

Resolved in the *Affirmative.*

Bill read 2ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 26, 1849.

MINUTES.] PUBLIC BILLS.—1° Boroughs Relief (No. 2).
2° Boroughs Relief (No. 2).
Reported.—Boroughs Relief (No. 2).
3° Consolidated Fund (Appropriation); Customs; Treasury Instruments; General Board of Health; Inclosure Act (Extension of Powers); Leasehold Tenure of Lands (Ireland); Metropolitan Sewers; Bankrupt Law Consolidation; Boroughs Relief (No. 2).

PETITIONS PRESENTED. By Mr. Brotherton, from Wrexham, for the Marriages Bill.—By Mr. Cocks, from Sir H. W. Barron, from Waterford, for the Abolition of Ministers' Money.—By Mr. Littleton, from Walsall, for the Bankrupt Law Consolidation Bill.—By Viscount Melgund, from Kelso, for Reform of the Parochial Schools (Scotland).—By Mr. Roebuck, from Edinburgh, respecting the Opening of Railway Parcels.—By Lord Ashley, from St. Helen's, for an Alteration of the Sale of Beer Act.—By Mr. Hume, from North Walsham, for an Alteration of the Small Debts Act.

CONSOLIDATION FUND (APPROPRIATION) BILL—HARBOURS OF REFUGE.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. HUME rose to call the attention of the House to the circumstances connected with the expenditure of public money in the improvement of harbours, which he thought to be of great importance. The House would recollect, that about eight years ago a discussion took place with regard to the harbours of this country, and that in 1845, by an address of that House, Her Majesty appointed a commission to inquire into the state of our tidal harbours and navigable rivers. That commission collected a vast deal of valuable information upon the subject generally, and the Members were unanimous in recommending the adoption of a course to the Government with the view of securing for the future a proper appropriation of any funds that might be required for the improvement of the harbours of this country. Amongst other evils which the commission pointed out, there was one of long standing. By an Act of Charles II., the harbours of the country had been placed under the superintendence of the authority of the Lord High Admiral, who had powers under that Act to prevent all encroachments on land under and within the high-water mark of ordinary tides. In short, instructions were laid down in that Act that no buildings, no works, or alterations of any description should take place, but under the sanction of the Admiralty. On inquiry it was found that the Admiralty, from the pressure of circumstances and the immense amount of business falling on that department, had altogether neglected that duty, and that in no cases had they ever interfered with any works proceeding in any river or harbour, unless the same had been referred to them by the complaint of parties interested. The consequence was, that many works had been undertaken without the knowledge of the Admiralty, which had tended, owing to their unskilful execution, materially to injure the harbours. The commissioners, finding that this was the case, and that the Board of Admiralty had not had leisure to attend to these numerous works, but had deputed a large portion of the business to the hydrographer, recommended that a separate department should be appointed to manage these matters, and they prepared a Bill which was intended to carry out all their recommendations, and to provide for the appointment of a permanent officer whose duty it should be to see that no injury was done to the harbours of the country. It appeared to the commission that the system hitherto carried on had not been attended with advantage; that the natural harbours of the country had been neglected, and in many cases had actually filled up. Numerous were the instances in which this had occurred. He could mention one. In the time of Charles II. the harbour of Rye was capable of admitting a line-of-battle ship—a large frigate; but now, up to within a quarter of a mile of the town, the harbour had silted up so that a small boat could not ride afloat. To prevent the recurrence of such a state of things, the commissioners recommended the appointment of the distinct department to which he had referred; and he must say, that when Lord Auckland succeeded to the Admiralty, he appeared to be fully aware of the evils arising from the former system; and it was but justice to his memory to say, that no man could have evinced a stronger disposition to remedy the evils that had arisen than Lord Auckland did. But his Lordship being unwilling at that time to raise any discussion in the House of Commons, proposed to carry out, as far as possible, the recommendations of the commission, by making a branch under the Admiralty, and placing this matter under their charge. Accordingly a Committee was appointed, consisting of Captain Bethune, Captain Washington, and Captain Veitch, who were to take cognisance of the state of our harbours and navigable rivers. The appointment of that Committee had resulted in the greatest advantage—millions of money had been saved to the country by their proceedings, and the whole expense had been the difference between the half-pay of Captain Washington and 800*l.* a year—that gentleman having been appointed by the Government on account of his immense acquaintance with our rivers and harbours. It was intended that no money, either public or private, should be expended on tidal harbours or navigable rivers, except under the superintendence of that department; but he complained that that rule had not been carried out. In order also to the accumulation of information on the subject, it was thought desirable by the commission that the Government should be in possession of plans of all our harbours. It was a fact that, whilst England was the largest commercial country in the world, the British Admiralty did not possess any series of plans of her harbours, so that if a French frigate, or any other frigate, approached a certain place, the Government had no means of ascertaining instanter whether there was water enough for her to float, whether there were quays, or any means of landing her troops or stores, or anything about it. In France, the case was very different, for he had seen a book, given to him by the Minister of Marine, containing a description of every harbour on the French coast, both within and without the straits—whether a tide harbour or a bar harbour—its depth; whether there were any quays by which troops could land, the number of boats attached to it, and the quantity of tonnage in each harbour. In England there was no such document; but he contended that the Government should be possessed of such information, and he proposed, therefore, that plans should be made, showing everything requisite to afford the fullest information to the Government. With reference to the services rendered by the commission which was appointed with the concurrence of Lord Auckland, he must say, that he had never met with any man, whose zeal, attention, and industry, had exceeded that of Captain Washington. Open at all times to give information, ready at all times to go anywhere where the public service required his attention, he felt bound to express the highest opinion of the talent which Captain Washington had exhibited, and the unvarying exactitude of his details. The report of the Harbour Committee was now printed; and though it was not yet in the hands of Members, the result was, that it recommended the reduction of the harbour department, and dispensing with the services of Captain Washington. He believed this reduction had taken place in consequence of the report of a commission composed of Lord Granville, Sir Edward Ryan, and Captain Berkeley; but he did not believe these persons were able to estimate the importance of the Tidal Harbour Commission. He should like to see their report, and the evidence upon which it was founded. He (Mr. Hume) wished to ask then who was, henceforth, to take the duties of that department—a department which the Tidal Harbour Commission had pointed out to be necessary, which was approved by the late Government, and by Lord Auckland, and of which Mr. Ward the late Secretary of the Admiralty, when he saw the amount of information they had gained, recommended the continuance. Who, he asked, was henceforth to conduct that department—who was to superintend the expenditure of money in matters connected with our harbours and navigable rivers? He held in his hand a list of sixteen reports which had been laid on the table of the House, all connected, more or less, with the harbours of refuge and navigable rivers of this country—a pretty good evidence of the importance of the subject; but he wanted to know what had been done, and in what way had the public interests been protected in the expenditure of money for the improvement of harbours of refuge. He did not wish at this moment to express any opinion with regard to harbours of refuge, though he had great doubts upon the subject; but he found that the House had voted for harbours of refuge—

In 1845 . . .	£120,000
In 1846 . . .	30,000
In 1847 . . .	140,000
In 1848 . . .	131,000
In 1849 . . .	141,500
In all .	£562,500

But that was not all, for he found that there was voted for Holyhead—

In 1845	£33,836
In 1846	85,681
In 1847	4,429
In 1848	12,792
In 1849	45,771
In all	£182,509

These two sums together made up no less than 745,009*l.* of public money that had been voted for harbours within the last five years. He asked who had superintended these works and that expenditure—were there any reports to show the progress that had been made—was there any information whatever upon the subject? Who had the superintendence? The right hon. Gentleman the Chancellor of the Exchequer stated that the Admiralty had; but he (Mr. Hume) found, from the opinion of the Lords themselves, that such was not the case. Admiral Dundas said—

> "The progress of the different harbours of refuge is laid before Parliament every year, when money is voted for the advancement of the works. There is no occasion, I think, for the Harbour Commission to interfere, or go to any additional expense of public money by making inquiry."

Captain Berkeley and Lord J. Hay said—

> "The Admiralty have no power or jurisdiction over the construction of these harbours of refuge. They were determined by a Committee appointed for that purpose. The plans have been determined upon, and are not carried out under the authority or supervision of the Admiralty."

Then he asked, under whose authority or supervision were they? Captain Milne again said—

> "No. 7 also appears to me unnecessary, as I believe the engineers send in a periodical report to the Admiralty, which should be filed in the hydrographic department or Record-office."

Matters having been brought to this state, he hoped the House would enforce the presentation of these reports. Lord Auckland said, in his evidence, that although the contract of the work rested with the Admiralty, the Treasury was responsible for the plan and outlay. It would thus appear that the mode of expenditure was left to chance. He knew Mr. Walker and Mr. Rendel, the engineers, sent in reports as to certain items of expenditure, such as their travelling expenses, the charge for horses, and similar things; but this was not the description of expenditure which was required with regard to the nature of the general outlay; and as to their description of the works, he complained that they might have exercised a considerable and efficient control over those works merely with the additional pay of an officer. Sir George Cockburn had manifested much anxiety to proceed with this work, and had expressed a strong desire that a proper control should be exercised over the expenditure. The present Chancellor of the Exchequer indirectly knew nothing about the expenditure; he (Mr. Hume) thought, therefore, they should have a Committee to examine as to whether the expenditure was proper, and whether they were going on in a fit and proper manner, and in how far the views of the commissioners were likely to be realised. He should at present make no Motion on the subject; but it was a great and crying grievance that they should have millions expended on public works without knowing what would be the result, such as had been the case with the New Houses of Parliament. He wished to know if there were any reports or any other documents which could be laid before the House showing what progress had been made since the several votes of money had been made?

Captain BERKELEY said, that the Admiralty had no power or jurisdiction over these matters, which were decided upon by a Committee. He was bound, in justice to Sir Robert Peel's Government, to say that it was their intention to have placed this department under a permanent head, and carried out the recommendation of the commission to the fullest extent. He trusted that a twopenny-halfpenny economy would not be practised in the dismissal of Captain Washington. The question was one involving millions, and not a shabby addition to a gentleman's half-pay.

Admiral BOWLES said, that having been chairman of the Tidal Harbour Commission, he happened to know the dangerous state in which several of them were, in consequence of the works which had been allowed to be carried on in them in connexion with railways and other undertakings. Nothing could be more important than the report made in 1846, and which he feared the House was not sufficiently acquainted with; for it was not very likely that many hon. Members had explored the gigantic folio before him. He hoped the attention of the Government had been drawn to the subject, and that they would see during the recess what further steps should be taken. If the Government did not propose something on the subject early next Session, he should press upon the House the propriety of adopting steps to carry out the recommendation of the Tidal Harbour Commission. It had been originally proposed to proceed in another way than that adopted; but Lord Auckland thought the Bill which had been drawn up on the subject was too stringent, and therefore recommended the suggestion that the commission should be carried out under a separate department of the Admiralty. He agreed with his hon. Friend the Member for Montrose in viewing with the greatest grief and dissatisfaction the course taken by the present Board of Admiralty in diminishing the number of officers employed. He objected to the title given to the department; it should rather have been called the Board of Conservancy for Harbours, instead of the Harbour and Railway Department. He had always thought a member of the Board of Admiralty should also have been a member of that board. A report existed abroad, which he trusted was unfounded, that some private influence had been exerted to continue the old system of abuse with respect to these harbours, and that powerful intrigue was at work to destroy the efficiency of the Board of Conservancy. A report which he had heard was, that Captain Washington had done his duty too conscientiously and too independently, therefore he was to be dismissed. He trusted there was no truth in this report, which, however, he felt bound to mention to Her Majesty's Government.

Sir F. T. BARING said, with regard to the report to which the gallant Officer alluded, it was not very easy to answer it. The only part of the statement true was, that the change had been made, and, if any one, he was the party who made it—it was entirely his own act—and he alone was responsible for it. He was sure the House would be surprised at the statement of the hon. Gentleman the Member for Montrose, when he (Sir F. Baring) stated that he had made no alteration in the powers or business of the harbour department, and he had no intention of doing so. He held the opinion that the harbour department was of great public use and importance to the country, and had rendered a great deal of valuable service, and had operated as a very considerable check on the obstructions which had been gradually allowed to be made in our tidal harbours by local interests. It was not, therefore, intended to reduce the usefulness of that department. All that he had done, as the right hon. Baronet the Member for Ripon knew, was a subject of discussion before the Committee on the Navy Estimates last year, when it was considered whether the work could not be done with fewer hands. The question of the employing of these gentlemen in this service, was considered a matter for the revision of the Admiralty. For that and other reasons he had considered the state of what was called the harbour and railway department; and he, in connexion with his right hon. Friend the President of the Board of Trade, had appointed a commission to look into the whole subject of harbours, and, upon the report of that body, he came to the conclusion that the duties respecting tidal harbours could be performed, as before, by two instead of three officers. He had looked into the matter himself, and for what was done he was responsible. Seeing that the work could be effectually done by two gentlemen, he had made a communication to Captain Washington, to the effect, that as he was the junior officer, and had been last appointed, he was the party with respect to whom the reduction should be made. If he had reasons for thinking that the work could be done by two, he was not justified in retaining three gentlemen. He was satisfied that there would be as efficient a check on encroachments in the tidal harbours by a department of two, as by one composed of three officers. Then the hon. Member for Montrose alluded to another point, namely, the harbours of refuge. The harbours of refuge were not undertaken by the present Board of Admiralty, but had been commenced when he was out of office. It was a plan adopted by the Government, and Lord Auckland gave his assent as far as the Admiralty was concerned, to give proper assistance in carrying it out. The hon. Gentleman had asked for reports as to what had been done. The Admiralty had entered into contracts for the works; and Mr. Rendel and Mr. Walker sent in quarterly statements as to the state of the works and the progress of the contracts. Lord Auckland had taken a great deal of interest in the matter, and inspected the works last year which were in progress in the Channel Islands. As to the mode of transacting the business connected with these works, he had made no alteration since he had been in office. What existed before, existed now; and as soon as the House was up, he intended to go on a visit of inspection to the Channel Islands, to see how the works were going on there. The hon. Gentleman thought other reports were necessary; he did not share that opinion with him. He was perfectly satisfied with respect to the expenditure on them, as under the control of the Admiralty, by the engineers he had named. He was bound, however, to add, that he was not entirely satisfied that there should not be some reports from one of their own officers respecting them. Therefore the Engineer officer who enjoyed the confidence of the Board, would inspect the progress, and report on the nature of the works.

Mr. WILSON PATTEN remarked that the right hon. Gentleman was the last person in the world whom he would think of charging with a job; but he must call the attention of the House to the circumstance that the private business of the House during the present Session had been seriously obstructed by the delay which had taken place in sending up the necessary reports from the Admiralty respecting Bills affecting harbours or navigable rivers, which must be submitted to that board in the month of December, if they were to be proceeded with in the next Session. He hoped that in future Sessions of Parliament arrangements would be made at the Admiralty to prevent a recurrence of that delay.

Sir F. T. BARING stated, that the delay alluded to by the hon. Gentleman arose from the circumstance that the officers of the harbour department wished to save expense to the parties interested, and therefore performed the duties themselves instead of sending down commisioners.

Captain BERKELEY said, as it appeared the hon. Gentleman the Member for Montrose had only read a part of the report, without the evidence, he thought that the hon. Gentleman's attack on the Committee was rather unfair. The hon. Member also took upon himself to say that the Admiralty did not know what these harbours along the coast of England would contain—a line-of-battle ship, frigate, or corvette. The hon. Gentleman could not have fallen into a greater error respecting the facts of the case, for every information which could be required on the subject was in the possession of the hydrographical department; the charge against it, therefore, was without foundation. The hon. Gentleman insinuated that he (Captain Berkeley) and other Gentlemen had not read the report of the commissioners on tidal harbours; but he could state that he had taken as much trouble on the subject as the hon. Gentleman himself, to read and make himself master of that document; and he should have felt that he had greatly neglected his duty if he had not done so.

Mr. RICE felt bound, as a member of the Tidal Harbour Commission, to pay his humble tribute of respect to Captain Washington for the great attention, assiduity, and industry manifested by that gallant officer on all occasions. The hon. Gentleman the Member for Montrose, however, had mixed up two distinct subjects, namely, the tidal harbours and the harbours of refuge, which had no necessary connection with each other. The hon. Gentleman stated that the Admiralty was totally ignorant as to what was going on respecting these harbours; he could state that the Lords of the Admiralty visited the works at Dover and Harwich within the last few weeks. Then as to the stability of the work, he believed nothing could be better or more satisfactory than the progress of the works under Mr. Walker and other eminent engineers.

Mr. HENLEY thought it very hard that the Admiralty should be censured for reducing their staff of officers, when the First Lord declared that this was done from a feeling of economy, and could be effected without injury to the public service. The Government stated that they had done this on their own responsibility; and because the hon. Member wished to protect some pet child, he (Mr. Henley) did not think they should be blamed for their desire to effect a saving.

Sir H. WILLOUGHBY asked which department was originally responsible for the original plan of the harbours of refuge, and which department was responsible for the expenditure, and seeing that the works were duly executed?

The CHANCELLOR of the EXCHEQUER replied, that the works had been undertaken in conformity with the recommendations of a commission appointed by the late Government. The Admiralty was charged with the responsibility for the works. The whole circumstances connected with them was fully explained by him before the Committee on the Miscellaneous Estimates, to which he would refer the hon. Gentleman.

Sir J. GRAHAM did not think that the present conversation had been altogether useless. It appeared from the evidence before the Committee last year on the Navy Estimates, that the Admiralty was held responsible for the expenditure; but Lord Auckland stated that the scale of the outlay had not been laid before that board, and the plan and outlay did not rest with it. It appeared that the detail of the expenditure was under the direction of the Treasury and the Chancellor of the Exchequer, and he did not think this joint control was one with which the Chancellor of the Exchequer should be satisfied. The statement of the First Lord of the Admiralty appeared to him to be perfectly satisfactory. It appeared that the Admiralty hereafter would be fully responsible for the expenditure, as that department would no longer be satisfied with the reports of the last engineers engaged on the works alone, who might have an interest to encourage a large outlay. It was therefore intended that the works should be inspected by the other Government officer, Colonel Irvine, who was the director of the engineering and architectural works connected with the Admiralty. He did not think that there could be a more satisfactory arrangement.

CAPTAIN PECHELL said, that at an early part of the Session he drew the attention of the First Lord of the Admiralty to the system of the distribution of medals to the officers and seamen of the Navy; and the House was given to understand that there would be a reconsideration of the several claims. There were many actions in which the approbation of the Admiralty was specially given, and the country never intended that these parties should be excluded from the advantage of a medal. For many of these actions the Order of the Bath had been given. That such a distinguished officer as Admiral Owen should not be in possession of a medal did appear something extraordinary. In another place he understood Earl Grey said, that such actions as he had mentioned, which had received the special approbation of the Admiralty, should be excluded from the receipt of the medals.

MR. GROGAN said, the question was one which created much interest in the country. Many officers who had distinguished themselves in the command of boats were wholly excluded from participating in the distinction which the medal conferred.

LORD J. RUSSELL stated, that he could not only say that it was a matter of great difficulty to decide as to what claims should be admitted; but he knew that both the late Lord Auckland and the Duke of Wellington entirely agreed that they must be guided by certain rules. It was difficult to decide now as to the peculiar merits of actions between 1793 and 1815. It was held that they could not be influenced by any case of individual conduct. It was agreed by both the distinguished persons he had alluded to, when officers were promoted at the time of an action, or received other marks of approbation, they were not now entitled to medals. They were unwilling to pass by claims; but the Duke of Wellington had stated that if they did not draw a distinction, every man in the service of the Crown during the last war might put in a claim. There was every desire to do justice to all; but the House must see that there must be some rules, and he did not know how any rules could be drawn which would not appear harsh in some cases. He had had a great many communications with the Duke of Wellington on the subject, which had convinced him that no better rules could have been drawn than those acted upon.

Bill read a third time, and passed.

COMPOUND HOUSEHOLDERS BILL.

Order for Second Reading read.

SIR W. CLAY, in moving the Second Reading of this Bill, said, he was sorry to trouble the House with any observations at that late period of the Session ; but it would give great satisfaction to a large body of householders if the House were to ratify the principle of relief embodied in the Bill. The question lay in a nutshell, and with the permission of the House he would shortly explain it. Hon. Members were aware that the new franchise created by the Reform Bill was given to householders occupying tenements of a certain yearly value, having resided within the borough for which they claimed to vote for six months, and having occupied a tenement for twelve months. The other condition was, that they should have paid up all rates and taxes. The machinery provided by the Reform Bill for carrying the principle into effect was, that the overseers of every parish were required to make out a list of persons occupying tenements of 10*l.* yearly value, and who had paid their rates and taxes. From the list so prepared, the clerk of the peace made out the register of votes. Now, in very many of the large parishes in England, and especially in the metropolitan parishes, there were local Acts empowering the parish officers to compound with the owners of houses for the payment of rates; and this power was very extensively acted upon. A deduction was allowed of 25 per cent, and the consequence was, that the owner of 50 or 100 small houses obtained no inconsiderable profit by calling on his tenants to pay him the full rate, while he had a discount of 25 per cent. The only name in the rate-book was that of the person who paid the rate, and the consequence was, that for several years subsequent to the passing of the Reform Bill, the occupiers of such houses known as compound householders, had been completely disfranchised. It was contended that a remedy was provided under the 30th section of the Reform Act, which enacted that a person occupying a house in a borough of the yearly value of 10*l.*, and who had been omitted by the overseer, might claim to be registered on tendering the payment of his rate. The tide of revising barristers had all been in that direction, and they were confirmed by two decisions in the Common Pleas. But the Common Pleas decided that there should be payment of every rate. The state of things then was this. The compound householder might claim to be registered, provided that after every fresh rate he put in his claim and tendered any rate that might be then due; but the result was virtual disfranchisement, as there were few who for the sake of a political privilege would attend and put in a claim to the franchise four, and in some cases six, times a year. The evil was deeply felt in the Tower Hamlets, where, as he was informed—he did not pledge himself to the numbers—there were upwards of 16,000 householders thus disfranchised. In one parish alone, as he was informed, there were 3,500 persons entitled to vote, but of these only 300, constituting a franchise association, had claimed to be put upon the register. He was sure the House would agree with him in thinking that such a state of things demanded a remedy; and what he proposed to do in his Bill was to put the compound householders on the same footing as the 40*s.* freeholders—that was to say, to require from them only one claim for the franchise, that being the requirement of the 37th section of the Reform Act. All other persons being qualified were placed on the register without their own act, but the 40*s.* freeholders in counties were obliged to make one claim. He could not conceive that there would be any objection to the principle of this measure. Some of the machinery might be thought clumsy; but he did not think that any one would consent to keep from the franchise persons who, both by occupation and payment of rates, were entitled to it.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HENLEY agreed that this was no question of franchise. The only question was, whether the machinery by which it was proposed to alter the mode whereby these parties could claim the franchise, was a right machinery. It was proposed that, once upon the register, they should remain there till objected to. The overseers would have no knowledge whether they even remained in the parish. Freeholders, to ever so low an amount, could not fairly be put in the same category with easily fluctuating lodgers. Besides, it was hardly fair, in so thin a House, at the close of the Session, to catch a second reading by way of affirming the principle of a Bill, which could not really be proceeded with in this Session. He would therefore move that it be read a second time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

Lord J. RUSSELL agreed that this was not properly a question of franchise, but of regulation; but could not agree with the hon. Member for Oxfordshire if he meant that no remedy was required upon this subject. The Reform Act gave the right of voting to these persons; but it appeared that the only mode in which they could assert and maintain their rights was so difficult and vexatious, that practically they had not the right which the Reform Act intended that they should have. He (Lord J. Russell) must say that he thought his hon. Friend the Member for the Tower Hamlets had made out his case in that respect; and that if a man was obliged, whenever a rate was made, to go afresh to the overseers, and ask to have his name put upon the rate-book, and constantly be present to renew his claim, he was prevented from enjoying the right the Reform Act gave him. He (Lord J. Russell) agreed that the right ought not to be given in such a manner as to leave any doubt as to the person being really the householder he was described to be, and really an inhabitant of the parish; but there could be some security under this Bill, in the party, being on the register, having constantly to pay the rates. He would vote for the second reading of the Bill, because he admitted that this was a case requiring a remedy; but at the same time, if they went into Committee, care must be taken that the person claiming the vote was personally liable for the payment of the rates, and that his name stood upon the books as the person charged with the payment of them, and that, unless it was found he had paid the rates up to the time which the law required, he would not be entitled to a vote.

Mr. NEWDEGATE said, it appeared that the noble Lord was about to vote for the principle of a Bill the machinery of which he, at the same time, confessed was inoperative. If the Bill passed into a law, all the securities provided by the Reform Bill would be completely lost. Upon this subject he begged leave to quote the opinion of Lord Denman. In the case of "The Queen *v.* Bridgnorth," 10 *Adolphus and Ellis*, 66, it appeared that payments had been made to the overseers in gross sums, some of the parties stating that they had not authorised such payments, and did not know of them till after they were made. Lord Denman said—

> "If the practice described were to prevail, there would be great danger of the most enormous bribery. The statute, in requiring that rates shall have been paid, contemplates some payment by the party's own hand."

Mr. ROEBUCK put it to the noble Lord the First Minister of the Crown, whether it was not a useless waste of time to be discussing this question? They had very important business before them, and he must say he thought it a complete waste of time at such a period of the Session to be engaged in an idle discussion like this.

Sir J. GRAHAM said, he agreed with the hon. and learned Member for Sheffield in thinking that this was a most lamentable and inexcusable loss of time; and if the hon. Baronet persisted in forcing the matter to a division, he should feel it his duty to vote against him. He admitted the premises of the noble Lord, but he was sorry to say he had come to the very opposite conclusion that the noble Lord had arrived at. He was of opinion that the householders in the position described by the hon. Baronet, were entitled to the franchise, and that some difficulty existed in obtaining the right to exercise that franchise; he also agreed that a remedy ought to be provided, but that this was not the remedy. In these circumstances he could not consent to vote for the Bill before the House.

Sir W. CLAY had great unwillingness to withdraw the Bill after the hostile expression of opinions from the other side. However, as the noble Lord at the head of the Government had expressed his conviction that the grievance was one which ought to be remedied, he would, at his suggestion, withdraw the Bill, on the understanding that if the noble Lord did not next Session bring in a Bill, he should himself deem it his duty to do so.

Amendment and Motion, by leave, withdrawn.

BANKRUPT LAW CONSOLIDATION BILL.

On the Motion for considering the Amendments to this Bill,

Mr. ROEBUCK observed, that by the 256th Clause certain acts were set down as offences—there were nine of them—and if the court—that was, a single Judge—should be of opinion that the bankrupt had been guilty of any one of these nine offences, he might refuse the certificates, and then all the debts proved under the commission became judgment debts, and any one of the creditors might take the bankrupt in execution, and incarcerate him in gaol for a year, the court having the power to release him within that time. He was aware that in the present bankrupt law something like the same principle was established, but he was anxious it should not be extended. He had several objections to the present clause. The first was, that they thereby deprived every bankrupt of the power to be tried by a jury of his country, and gave the right to every single bankruptcy Judge to decide that the debtor was guilty of the offences named in the clause—not upon the issue joined on the question, not upon a solemn trial, but they allowed the comment or dictum of the Judge to determine whether a man was a fraudulent debtor or not. They not only gave this power to the Judge, but they enabled the creditor to imprison the debtor for a year; thus authorising the pound of flesh to be taken from the debtor, and imprisoning him besides, for having, it might be, incurred the anger of a creditor. He must say that he was very unwilling to trust the kindness of those who laid it down as a principle that every debtor was, of necessity, a rogue, and every creditor an honest man. A creditor, it should be remembered, very often gave a man money, well knowing that he was giving it to a person who was incapable of refunding; and, therefore, the creditor ought not to be given a power which the criminal law ought only to exercise, that of imprisoning a man for a year. What did the debtor do at present? When he came into court, he gave up all that he had. The bankruptcy law was not a criminal law. It administered the assets of an unfortunate debtor. He was of opinion that the House ought to make a civil judge a criminal judge; and he asked of them to make a slight alteration in Clause 256, to meet the views he had taken the liberty of propounding. He had no objection to the court saying to the bankrupt—" I believe you to have been guilty of destroying a book, paper, or document fraudulently, and I will order the assignee to institute a prosecution against you in the criminal courts." They had made a proviso to this effect in another clause, and he moved that they do the same in Clause 256.

The ATTORNEY GENERAL was sorry to be obliged to oppose the suggestion of his hon. and learned Friend. He believed the general feeling of the Committee was in favour of this provision in the Bill. The hon. Member for Leominster, although he objected to some of the provisions of the Bill, did not oppose this. It had also received the universal assent of the trading classes. He knew that the gentleman to whom the commercial classes in the city of London had intrusted this Bill were favourable to it, as well as the deputations which had come up from various parts of the country. Under such circumstances he was justified in saying that the commercial and trading classes were favourable to these provisions of the Bill. He would shortly point out what was their effect. As the law now stood, a Commissioner of Bankrupts had the power of withholding a certificate without protection. Therefore, for any one of these offences, or for some not nearly so great, the commissioners would suspend the certificate. This, therefore, was in the shape of a specific notice to traders as to the punishment to which they would be liable if they were guilty of certain acts. Many of these offences were now defined by the law as it stood as misdemeanors, and might be punished accordingly, and they were merely specially pointed out in this Bill. The object was to leave the course of law in full force.

MR. BERNAL conceived it highly inconvenient that one of the most important measures which could come under the attention of the House should come down at the end of the Session. This code of laws, in the shape of a Bill, was of greater importance than any other that had been before the House during the Session, for upon the state of the law of debtor and creditor the prosperity of the country depended. They were now asked to pass a Bill of this nature within two or three days of the prorogation. He declared that he had been positively afraid to read such a long Bill, and he believed that many of his hon. Friends entertained the same opinion. He agreed altogether in the opinion expressed by his hon. and learned Friend the Member for Sheffield as to the objectionable nature of the provisions of the Bill alluded to by him, which called for the serious attention of the House. He most strongly objected to their adopting such a measure merely because it came down backed with the recommendation of a Select Committee. If the House, as a legislative assembly, was to depute such powers to a Select Committee, it might as well abandon its functions. In the course of the Bill going through Committee yesterday, many of the anomalies of the bankrupt law, as described in that Bill struck him with amazement. The 125th Clause appeared to him to be one of the most tyrannical enactments he had ever met with. It empowered the court to issue an order to the Postmaster General to direct that all letters addressed to the bankrupt should be transmitted to the official assignee and opened by him. [The ATTORNEY GENERAL said, this was only a part of the old law.] He knew this; but when this Bill was sent to the Committee it was their duty to consider the whole extent of the bankrupt law as embodied in the Bill, for what was bad in the old law they were bound to rescind. The clause, however, to which he alluded empowered the court to direct the Postmaster General to withhold all correspondence from the bankrupt, and authorised the official assignee to open all letters for him for a period of three months, and the court might renew such order for a similar period from time to time. The object of this was in consequence of a suspicion that the bankrupt was likely to be guilty of fraud, and a concealment of his property from the assignee of the court. This proceeding was in his mind most objectionable. He believed such an enactment must have escaped the notice of the House, and then, on the 26th of July, it was too late perhaps to put an end to such a state of things. He would not encourage his hon. and learned Friend to persevere in his Amendment, for he would find other parts of the law besides that which he had alluded to, to be so bad that a change must be made in them. Much as he valued the labour and attention bestowed on the Bill by the Members of the Committee, he was not one to say, because they had allowed and approved of the 125th Clause, and other parts of the bankrupt law, that he was bound to give in his adhesion to them.

Mr. F. PEEL felt called upon to make some observations after what had fallen from the hon. and learned Member for Sheffield. He would, in the first place, shortly explain the particular alteration in the law of bankruptcy proposed to be made by this Bill to which the hon. and learned Member had referred. The House was aware, that upon the refusal or the suspension of a certificate, the consequence to the bankrupt was twofold—first, in reference to his property, and next, in reference to his person. Any property which the bankrupt might acquire, whether by his own industry or by inheritance or gift, passed at once to the assignees, and was distributable among his creditors. His person also was liable to be taken in execution on a judgment obtained by any creditor who had chosen not to come in under the bankruptcy. But all creditors who had proved their debts under the bankruptcy, were considered to have elected not to proceed at law, and were barred from so proceeding, whether the bankrupt obtained his certificate or not. What the Bill proposed to do, was to make every debt proved under the bankruptcy a judgment debt; and the assignees were to be judgment creditors for the aggregate amount of the debts proved. The effect would be, that on the refusal or suspension of the certificate, any creditor, or the assignees on behalf of the whole body of creditors, would be at liberty to take out execution against the person of the bankrupt, and put him into prison. As the exercise of this power of imprisonment depended upon the refusal or suspension of the certificate, this Bill contained certain provisions upon the subject of the certificate; the general effect of which, he thought, would be to limit the discretion of the commissioners. At present the discretion the commissioners possessed to withhold or grant a certificate, was without control. The Bill, after enumerating certain acts of misconduct, most of which were already indictable offences, proceeded to enact that upon satisfactory proof that the bankrupt had been guilty of any of those offences, the commissioner should refuse or suspend the certificate for a limited time; and the consequence of such refusal or suspension would be, that the bankrupt would be liable to be imprisoned by any of his creditors or the assignees. That was the proposed alteration of the law; an alteration which he believed to be called for, because considerable dissatisfaction was felt at the insufficiency of the present law of bankruptcy to check acts of misconduct on the part of fraudulent bankrupts. Complaint was made, that the present law held out a positive encouragement to the breach of mercantile engagements among the trading community, and that, for want of proper restrictive laws, persons entered upon improvident speculations and extravagant adventures with other people's capital. The bankrupt law, from its origin, had, he thought, been open to this reproach. The principle of that law was this—that a person, when he became embarrassed, might, by surrendering all his property, and conforming to the bankruptcy law in every respect, get discharged of all his debts as completely as if he had paid them in full, however fraudulent his conduct as a trader might have been, or how little soever his insolvency might be owing to accident or misfortune. But while the law thus overlooked altogether the conduct of the bankrupt previously to his bankruptcy, it was immoderately severe against any acts of misconduct of which he might be guilty after the fiat in bankruptcy was awarded; and the punishment even of death was at one time inflicted upon the trader who did not surrender and make a full disclosure of all his effects in conformity with the bankrupt law. But the law was mitigated, and those offences which once were capital were made felonies or misdemeanors, punishable by transportation or imprisonment. That was the state of the law down to the 5th and 6th of Victoria. In that year a new principle found its way into the bankrupt law. The power was taken from the creditors to dissent from the granting of the certificate; and the law conferred upon the court a discretionary power of withholding or granting the certificate.

The only question till then had been, whether the bankrupt's inability to pay was real or fictitious — was it a pretence or not? If his inability to pay was fictitious, he (Mr. Peel) had already shown with what severity the law punished such misconduct; but if his inability to pay was real, then the certificate was granted as a matter of right, however fraudulent his conduct as a trader and in the course of his trade might have been. But even admitting his inability to pay to be real, another question now remained behind. That question had reference to the cause of this inability to pay. The commissioner had the power to trace the course of his insolvency, and see whether it had its origin in accident or misconduct, in misfortune or in overtrading; and, if the latter, the commissioner might refuse the certificate altogether. With regard to this proposed power of imprisonment, he understood one object of it was to give the court a more efficient control over the conduct of the bankrupt anterior to his insolvency, rather than a mere power to refuse or suspend the certificate now afforded. Another object, he thought, was to provide a cheap and expeditious mode of punishing misconduct which could now only be punished through the medium of a prosecution at law. He believed, also, it would check that facility with which the uncertificated bankrupt now embarked again in trade, and obtained advances and goods from persons who had no means of ascertaining his real position, and who discovered too late that all property in his possession was liable to be taken by his assignees for the satisfaction of his antecedent liabilities. This was the purpose for which this power was introduced; and he thought it was a method for carrying out that object the least open to objection of any that had been suggested for that purpose. The hon. and learned Member for Sheffield seemed to object to imprisonment for debt altogether; and perhaps it might seem to be unjust against a bankrupt, all whose property had been taken from him. But it ought to be remembered, that in the use which it was intended to make of imprisonment for debt, its scope and object as a civil process (which is to get at a man's property through his person) was entirely overlooked, and it was intended to be used only as an instrument of punishment. He admitted, that, in so doing, they were straining a process which the law had given to the creditor with a different view; but he thought, on the whole, that, under the checks provided by this Bill, the power of imprisonment was less open to objection than any other mode which might have been adopted for attaining the same object would have been. He, therefore, gave this provision of the Bill his support, because it gave the creditor the protection which he really required, and which it had been the tendency of recent legislation to deprive him of, and because he thought they ought to aim at checking the annual sacrifice of bad debts which took place in this country under fiats of bankruptcy and deeds of composition, which, according to a calculation he had seen, actually amounted to no less than 50,000,000*l.* Seeing, moreover, the importance of the functions of credit in a commercial country like Great Britain, they should do all they could to extend credit by diminishing the risk to which all capital invested in the form of debt was liable, and hereby placing credit upon a just and firm foundation. He thought, therefore, that the power of imprisonment for debt at the suit of the creditor, subject to the control and discretion of the court, was not too extensive a power to grant in the circumstances.

SIR J. GRAHAM had heard the speech of his hon. and learned Friend with great pleasure, and also with pain. As a warm and sincere Friend of his hon. and learned Friend, he had heard him address the House with so much perspicuity with pleasure, and with regret, because he could not agree with the doctrines which his hon. and learned Friend had laid down. He (Sir J. Graham) was unlearned in these matters; but still he had taken part in former revisions of this branch of the law. His hon. and learned Friend thought it was a great public object of the highest importance to promote the security of credit, and his learned Friend added, to extend credit. He (Sir J. Graham) doubted the latter; but when credit was withheld in consequence of the great losses attending the trade of the country, if it could be traced to fraud, it should be checked by punishment, but not of an extremely heavy description. The question was, whether the policy which had recently been acted upon with regard to credit was within equitable limits, or whether there should be a great change after the short experience they had had of the law, and arm the creditors with more summary powers, to be exercised either by themselves or the commissioners on their behalf. The law had been most accurately stated by his hon. and learned Friend, and it was quite true that all the offences enumerated in the 256th Clause were indictable offences. The real question was, whether, admitting that some of these offences were felonies and others of them misdemeanors, and which the creditors were entitled to proceed against by indictment as the law stood, they should now be brought under the summary jurisdiction of a judge in the shape of a commissioner of bankrupts. The law of bankruptcy was distinctly for the purpose of securing the assets of a bankrupt, and distributing them amongst his creditors, and incidentally there was the power of withholding the certificate permanently, or suspending it for a time. At present, a bankrupt, for such acts as were enumerated in the clause, must be proceeded against by indictment, and for this purpose the creditors must go before a grand jury, and before a petty jury, and before a judge of high station, while an intelligent bar was present to watch the proceedings. Thus the greatest possible checks were given by the law against abuses. It was now proposed to give to a single commissioner jurisdiction over the bankrupt in such cases; and in case the commissioner should adjudge against the party, he was liable to imprisonment. Thus he was without any of the former checks under the law as it stood, which secured a calm and dispassionate consideration of the case. He would not speak disparagingly of the Commissioners of the Court of Bankruptcy; but it was well known that the commissioners, in consequence of the limited amount of salary which they received, were not taken from those who occupied at the bar a high station. He said it with pain; but still if they looked at the conduct of some of the commissioners, it would not only suggest to their minds that they might not be far from prejudices, but that that course might be taken which might tend to the ruin of the future prospects and character of a bankrupt. This should make them very cautious in giving such large powers to an individual commissioner. Then, again, those persons would be examined without the check of the bar, for there was no such check in that court. In all criminal suits, not only had they this check of the bar, but public opinion operated largely; but no such opinion operated with regard to the Court of Bankruptcy. All the great securities which he had enumerated, were wanting before the Bankruptcy Court. There was the case of a man overwhelmed with misfortunes; and when exposed to the most severe trials in life—at that moment, when he was visited with a double attack, on his person and property, and when he was making every effort in his power, to be exposed to the attack of a creditor who, he would not say, was excited with angry feelings, but labouring under a feeling against the bankrupt. If any party ever wanted protection, this was a case for it. The Bill as it was drawn deprived the bankrupt of it. He entertained the greatest doubts on the subject, and entertaining such doubts he was bound to exercise his judgment in favour of the weaker party. He thought the distinction had been judiciously drawn by the hon. and learned Member for Sheffield. All the property of the bankrupt should be placed under the control of the Court of Bankruptcy; but if he had committed a criminal offence, he should be tried before the ordinary tribunals of the country; for he doubted the justice of confiding this jurisdiction to any other tribunal, and above all to the Court of Bankruptcy, as it was constituted. Was this such a case in which they should set aside the general mode of proceeding, and allow the ordinary course of criminal jurisdiction to be forced into new channels? Under his experience of the bankruptcy law, he did not think that a power should be given to a single creditor to imprison a debtor for a criminal act on the decision of a single judge, and in the absence of a jury and a bar. On these grounds he should object to the alteration of the present law, and he perfectly agreed in the view taken by the hon. and learned Member for Sheffield on the subject.

Mr. HEADLAM was aware of the difficulty of legislating properly upon the subject; but was also aware that the trading interest were so anxious for it that he would not undertake the responsibility of opposing its further progress. He believed, however, that the alterations it would effect in the present law were, upon the whole, exceedingly inconsiderable, for provisions in favour of the bankrupt, on one hand, were counterbalanced by provisions of a contrary character on the other.

Mr. HENLEY objected to the clause. There were other fraudulent debts contracted besides bankrupt debts; and penalties ought not to be inflicted upon one class of the community which were not provided for another. If the hon. and learned Member divided, he should divide with him.

Mr. MASTERMAN said, that the clause was intended to operate only against fraudulent debtors. During his mercantile career he had witnessed so many certificates obtained by fraud, that he felt the absolute necessity of instituting some check upon the system. It was most desirable that a line should be drawn between the fraudulent debtor and one who honestly gave up his property to his creditors. The latter, he hoped, would receive every consideration from the House.

Mr. SPOONER agreed that a line should be drawn between the honest and the dishonest bankrupt; but he thought several clauses in the Bill went beyond the intention of the promoters of it.

Amendment proposed, in page 89, Clause 256, to leave out the words "the Court shall refuse to grant the bankrupt any further protection from arrest."

Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

On the Schedules being proposed,

Mr. ROEBUCK objected to that part of the form for the certificate of conformity (Schedule Z), by which, after declaring that the bankrupt was entitled to his certificate, the commissioner certified in the words following, to what "class" of certificate the bankrupt was entitled :—

> "And I further certify that his bankruptcy has arisen from unavoidable losses and misfortunes, and that he is entitled to, and I do award him, this certificate as of the first class; or that his bankruptcy has not wholly arisen from unavoidable losses and misfortunes, and that he is entitled to, and I do award him, this certificate as of the second class; or, that his bankruptcy has not arisen from unavoidable losses or misfortunes, and that he is only entitled to, and I do only award him, this certificate as of the third class."

He should beg to move that the above words be left out, objecting to the power thus to be conferred upon the Bankrupt Commissioner.

The ATTORNEY GENERAL observed, that the commissioner now pronounced, or might pronounce, his judgment in public—in open court—in a bankruptcy case, and it might be reported and read by the whole world. The Bill only proposed to enable the commissioner to append his judgment in an authentic form to the certificate—a judgment he now delivered in open court—for the guidance and satisfaction of those who were going to deal with the bankrupt in future. It was clearly the intention of the Bill, that in a case where bankruptcy had wholly arisen from unavoidable loss and misfortune, the bankrupt would be entitled to a perfect and absolute release. If there was no misconduct, then the bankrupt would have his certificate of the first class. He repeated, that the commissioner now gave his judgment and reasons publicly; and if he were to put them upon record in the certificate, it would at all events make the bankrupt more cautious in his future dealings.

Sir J. GRAHAM said, that if the hon. and learned Gentleman the Member for Sheffield persevered in the Amendment, he should feel it his duty to divide with him. He had already stated the nature of his objections to this particular operation of the measure, and the grounds upon which he entertained them. He would just recapitulate what the House had already, and without a division, adopted. They had given this judge of the Bankrupt Court a considerable amount of criminal jurisdiction; they had given him a most ample power over the property of the debtor; they had given him, under certain limits, power over the person of the debtor; and now they were going deliberately to give him a most fearful power, as it appeared to him, over the character of the debtor. The hon. and learned Gentleman the Attorney General defended this provision upon the principle that it would be for the benefit of future creditors that the true character of the bankrupt should be ascertained, and should appear upon the certificate, and this certificate was to be an enduring record, and to be published in the *London Gazette*. But it appeared quite possible that there might be a case in which a bankrupt had sustained unavoidable losses and unavoidable misfortunes, but in which the commissioner might arrive at an erroneous judgment in consequence of a false impression having been conveyed to his mind. Yet this power over the character of the bankrupt was to be entrusted to a single judge, having no assistance from any other judge, or from a jury, or a bar, to check any error of judgment into which he might fall from a false impression on his mind; and he was to act at once, and peremptorily—it might be hastily—in a matter upon which his judgment might have been so formed upon a false impression. To one only of these judges was thus to be given the power of inflicting a permanent brand upon a man, and of blasting for ever his character. That, he must say, was a power too fearful to be entrusted to any single judge. If he was not much mistaken, there had been considerable division of opinion upon this question in the Committee, and that one of the highest authorities upon such a point, the Judge-Advocate, had taken the same view which had been advocated by the hon. and learned Member for Sheffield. Such a power was quite alien to the jurisdiction of this country. But if it was to be given at all, there was no doubt it should be given in the clearest and most definite manner. Yet in how capricious a form was it cast—"unavoidable losses and misfortunes?" Could there be a term much more indefinite, even if it were known to the law? But was it a term known to the law? Was it not new? If new, must not constructions be put upon it; and if constructions were put upon it, would not conflicting decisions be given by these judges all over the country? Again, what could be more arbitrary than the second-class certificate, provided for cases where the bankruptcy was adjudged to have arisen, not wholly, but partially, from "unavoidable losses and misfortunes?" He could understand a positive line of demarcation between two cases of loss or misfortune and of dishonesty; but this medium appeared to him the most capricious and, at the same time, arbitrary line ever attempted to be drawn. He should be sorry, at this period of the Session, to do anything to retard the public business; but it seemed to him that they were about to make an alteration in commercial law, which it was now impossible for the representatives of the people duly to consider. Whatever their desire to uphold commercial credit in this country, they ought not hastily to deal with a principle in criminal jurisprudence which was new, and which might operate most injuriously upon the credit and characters of men. He should be sorry, in the extreme, if any false step in legislation was made in this matter; and he must conclude by repeating, that to give this great power, affecting both the person and character of a man, to be wielded by a judge, solely from impressions drawn by himself, in the absence of a bar, and unchecked by public opinion, did undoubtedly appear to him most objectionable and dangerous.

Mr. MITCHELL said, in his opinion the distinction in grades of bankruptcy would very much reduce the stigma of bankruptcy to an honest trader. And he could assure the House, on the part of the mercantile community, that they were not the hardhearted people they had been represented to be, but that they were most anxious to protect the honest trader, whilst, at the same time, they punished the fraudulent.

Mr. WILSON PATTEN said, the votes of a good many Members would depend upon the answer they should receive to the question, whether there was to be a power of appeal after a certificate had been given? and if so, whether each class of certificates would be entitled to an appeal?

Sir J. GRAHAM: It appeared to him that the appeal clause did not give an appeal to each class of certificates.

The ATTORNEY GENERAL said, the right hon. Baronet would find, by reference to the 12th Section, page 5, that it gave the appeal. If there were any doubt, however, he would take care that it should be made quite clear upon the third reading of the Bill.

Mr. SPOONER said, he should give his vote in favour of the schedule as it stood. In the first place, he did it for the sake of the really honest, but unfortunate, man, who was entitled to have from the commissioner or the court that certificate of his conduct to which one who was not free from blame would not be entitled. And, in the next place, because the Attorney General had assured the House that he would take care to make provision for allowing a good and effectual appeal.

Mr. ROEBUCK said, that the object of his proposition had been simply to induce the House to mitigate the severity of the law.

Another Amendment proposed, in page 113, Schedule Z, line 30, to leave out from the word "same," to the end of line 3, page 114.

Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

The Bill was subsequently read a Third Time, and passed, with Amendments.

PROCESSIONS, &c. (IRELAND)—THE AFFRAY AT CASTLEWELLAN.

Mr. REYNOLDS rose to move for copies of correspondence between the Government of Ireland and the civil and military authorities of the county of Down, relating to processions, &c., on the 12th July.

VISCOUNT CASTLEREAGH trusted the hon. Gentleman would withdraw his Motion, at all events for the present, the matter being only now in the process of investigation.

SIR G. GREY entirely concurred in what had fallen from the noble Lord. He had told the hon. Member for Dublin a little time ago, the Motion was one he could not agree to, the more especially as the investigation was only now in progress.

MR. REYNOLDS said, he was sorry he could not comply with the appeals which had been addressed to him from both sides of the House, for he did not feel he could do so without a neglect of those duties incumbent upon him as an independent Member. Since he last had the honour of addressing them on this most melancholy subject, another murder had been committed on an unoffending Roman Catholic by a body of Orangemen in the county Down. [Viscount CASTLEREAGH: No, no!] He could assure the noble Lord it occurred in that part of Belfast which stood in the county Down, and the facts were these: It appeared that on the 11th of July, a body of Orangemen attacked a man of the name of John Cleary, an unoffending Roman Catholic, and murdered him in a brutal and savage manner. Informations were tendered to the Mayor of Belfast, once a Member of that House, but he and a brother magistrate refused the informations against four of the parties who were sworn to. But they went further; they not only refused the informations, but they allowed the men that were charged to go at large upon bail, respectively of 5*l.* and 10*l.*; and to show the contrast in their conduct, they ordered Daniel Cleary, the brother of the murdered man, to give bail to an amount which was quite beyond the reach of his humble circumstances. He was, therefore, sent to gaol, and there consigned to a dungeon, with his hair cropped, and other such treatment as only awaited felons; yet, after two days, when his brother died, he was set at liberty. This man then applied to the lord lieutenant of the county for the arrest of the parties charged; but, so far as he had heard, they were still allowed to go at large. Under these circumstances, he could not neglect the only opportunity that was offered him to bring a case before them which had caused the greatest excitement in Dublin, and the rest of the north. He knew that there had been a sham coroner's inquest held on the body, and the parties had been whitewashed. Well, it appeared that these magistrates held a solemn magisterial meeting after the occurrence, and thanked the police, notwithstanding the fact, which was known, that they had pursued the people, fired upon them, and caused their death. Shortly afterwards a public dinner was got up by the Orangemen in Downpatrick, the capital of the county where these events had transpired, and Mr. Beers was present, and the high sheriff of the county, Mr. Keown, presided on the occasion. Mr. Beers made a speech in which he rejoiced over the occurrences; he said, "There has been a small blot, if I may be allowed to call it a blot, upon these great triumphs." Such was his speech; yet that individual was in the commission of the peace, and both he and the high sheriff were allowed still to remain magistrates. Besides these two gentlemen, there were three stipendiary magistrates, who presided over the murder of the people; but Mr. Tabiteau, and the others, remained in their office. He held in his hand the proceedings of the Orange Committee of 1835. They disclosed much information bearing upon this question. It was there made clear that the Orangemen of that day conspired not only against the liberties of their fellow-countrymen, but also for the purpose of altering the succession to the Throne; and it was also more than insinuated that more than twenty regiments had Orange warrants issued to them. That the object was to alter the succession to the Throne, had, he believed, been proved by Colonel Fairman. In these observations he begged to be understood as not intending to utter one disrespectful word of the Earl of Roden in his private character, for no man's character in private life was more highly respected. But he was dealing with the political character of the noble Lord, and with his political character only; and if his acts had led to a disturbance of the public peace, and the encouragement he gave to the reckless and sanguinary Orange faction to murder, how could he (Mr. Reynolds) restrain himself from impeaching the noble Lord, as he now did, before his fellow-countrymen? The right hon. Baronet the Home Secretary said there was to be inquiry, and he wanted no discussion.

SIR G. GREY: What I said was, that the subject was under inquiry; and I suggested that it would not be doing any good to have a discussion upon it whilst the investigation was going on.

Mr. REYNOLDS said, the right hon. Baronet had failed to convince him that this matter ought not now to be spoken of in that House. He would remind the right hon. Baronet that Her Majesty was likely to honour Ireland by paying that country a complimentary visit. Now, the mass of the people of Ireland were Roman Catholics, and they believed this affair had been a wanton, malicious, sectarian, and party conspiracy, to deprive the people of their lives. Unless, therefore, the question was now discussed—unless full satisfaction was given—unless there was a perfect understanding that justice would be done to the people, a great deal of discord and disunion, which might be exhibited in an unpleasant shape, might be found to exist in Ireland at a time when every good Irishman wished there should be nothing but peace and good-will. He was himself so anxious that there should be nothing but peace and good-will upon the arrival of Her Majesty, that if any man smote him on the right cheek, he would offer him the left also. He asked the right hon. Baronet these questions:—Was the Earl of Roden still a magistrate and deputy-lieutenant of the county of Down? Was Mr. Beers still in the commission of the peace? This gentleman had stated, at a dinner, that the place where the outrage was committed had been called Dolly's Brae from time immemorial, but it should now be baptized "King William's Hill." And they had baptized it, but how? In the blood of the people. They murdered a boy ten years of age, and they shot an unfortunate woman of eighty—for these heroes were remarkable for wreaking their vengeance upon children and women. The hon. and gallant Baronet the Member for the county of Armagh was not so liberal as he was brave; but after these transactions, as we were in a transition state, he did not despair of converting him to liberal opinions. He regretted there should be so much party dissension in Ireland, for whilst other countries were working out their prosperity and independence by union, the people of Ireland seemed as if they were only working their own destruction by their party feelings. He condemned marchings upon the 17th March as much as he did marchings upon the unholy anniversary of the 12th July. And, after all, what was that anniversary? The anniversary of a battle between a Dutch King and an English Stuart; and upon the 12th of July in every year the followers of the hon. and gallant Member for Armagh met to celebrate the triumph of the Dutch King, King William. "This," they said, "was the triumph of Protestantism over Catholicism; we beat you then, and we will continue shedding your blood till the end of time, in the name of King William still." He asked the right hon. Baronet the Home Secretary, however, to give Ireland the practical benefit of his interpretation of the law, that all armed processions were illegal. He asked the right hon. Baronet to protect the unprotected Catholics of the north of Ireland against Orange aggressions. What was to prevent the Attorney General from indicting the whole of the men engaged in the transaction? Nothing. But it might be said that it was not convenient to vex the Orangemen, they being exceedingly pugnacious. This was no reason why the Government should not enforce peace, order, and obedience to the law. In asking for the returns for which he moved, he was not imputing to the Government the intention of suppressing any documentary evidence capable of throwing light upon the unfortunate circumstances of this affair; but he told them distinctly, that the answer he had received from the right hon. Baronet would not satisfy the people of Ireland. The people of Ireland were beginning to think that Protestant ascendancy was about again to exhibit its deformed head; and that the Orange establishment, which they had been led to believe was in "the tomb of the Capulets," was about to be resuscitated. They were beginning to think that the Orange Association was part and parcel of the temporalities of that Church which had caused the people of Ireland so much heartburning upon the one hand, and so much persecution upon the other. Her Majesty's Government, under such circumstances, ought to be thankful to him for affording them an opportunity of disclaiming any intention to shield these delinquents, and for pointing out to them the parties who appeared to have been the leaders in the catastrophe. He was anxious that examples should be made of the Earl of Roden, Mr. Beers, and the stipendiary magistrates. Why? First, because justice demanded it; and, second, because such disturbances were calculated to mar the march of prosperity and improvement. Until all sectarian and political ascendancy was put an end to, Ireland would never have peace; without peace there could not be happiness; and in the absence of both, Ireland could not have prosperity. In conclusion, he prayed the right hon. Baronet to act vigorously in this matter. Let him recollect that for a violation of the law, William Smith O'Brien and his associates had been transported for life; let him recollect that for writing seditious articles in newspapers, John Mitchell and others had been transported for ten years. The theory of the law might be that such offences were more heinous than Orange murders; but it appeared to him that Orange murders were the more heinous. He was justified, therefore, in calling upon the right hon. Baronet, even before the tediousness of the inquiry, to ascertain immediately whether these magistrates had been present at an assembly which under the common law the right hon. Secretary had said was illegal. That fact being ascertained, let those magistrates be deprived of their magisterial position, and some atonement be made to the survivors of the unfortunate people who had been murdered on that occasion.

Motion made, and Question proposed—

> " That there be laid before this House, Copies of any Correspondence between the Government of Ireland and the Civil and Military Authorities of the county of Down, relating to processions, public meetings, or armed assemblages of the people, on the 12th day of this instant July."

Mr. SCULLY seconded the Motion.

Sir G. GREY said, he had already intimated, in the few words he addressed to the House before the hon. Gentleman brought the Motion forward, the reasons which should induce him to refuse the production of these papers. They were reasons with which the House had clearly intimated they agreed. It would be most inexpedient to produce the correspondence whilst the subject was under inquiry; and at the same time he could not but deprecate a discussion that could not be productive of any benefit. He had stated before, and he now repeated it, that the Lord Lieutenant had directed a thorough and searching inquiry to be made into all the circumstances connected with the lamentable occurrence to which the hon. Gentleman had called attention. The hon. Gentleman called upon the Government, both here and in Ireland, to act firmly; but he (Sir G. Grey) must say that if they were to act in the spirit of the hon. Gentleman's observations they would be punishing people without trial or investigation, and that their proceedings ought to be characterised by some other term than that of acting " firmly." The Lord Lieutenant had acted with great judgment and moderation, but not the less with " firmness," in directing a full and searching inquiry, and in committing it to a person fully competent in all respects to conduct it, and of whose fitness, impartiality, and ability no one could doubt. He did not think the House would condemn the Lord Lieutenant for having taken the necessary proceedings to satisfy himself as to the nature of the transactions. Of the other parts of the speech of the hon. Member, he (Sir G. Grey) wished to say nothing. He only hoped that Members who concurred in the view that he took, would not continue the discussion, for it could only tend to produce those results which the hon. Gentleman himself said he deprecated.

Sir W. VERNER was sure the House would see it was impossible, after the marked allusions made to him by the hon. Member for Dublin, that he could refrain from one or two observations. He was delighted that the House had seen a specimen of what had so frequently taken place at Conciliation Hall; and that the hon. Member had expressed himself in that House in the same unqualified and unreserved terms which he had been in the habit of using in those meetings. From his own knowledge, and from his experience—now of nearly half a century, during which he had had the honour of holding a high situation in the Loyal Protestant Society of Orangemen in Ireland, he could give the most unqualified contradiction to every one of the hon. Member's statements respecting them. The tale of its having been contemplated to alter the succession of the Crown, was too contemptible to require notice. He had intended to move, as an addition to the hon. Gentleman's Motion, for " a copy of any correspondence between the Government of Ireland and the civil and military authorities of the county of Down, relating to processions, public meetings, or armed assemblages of the people on the 12th day of this instant July; for a similar return of any correspondence relating to a procession at Crossgar, in the county Down, on the 17th day of March last; and also of a meeting and procession which took place near the town of Keady, in the county of Armagh, in the afternoon of Thursday, the 28th day of June last, or early in the morning of Friday, the 29th." On the first of these occasions there was a procession of armed Ribbonmen. Twenty-six Ribbon flags were displayed, and several shots were fired at innocent and unarmed people. On the 28th of June, St. Peter's eve, a body of 500 Ribbonmen assembled near Keady, every one of them well armed. An inspector of police went after them, taking with him about twenty men, the whole force he had, and they found the Ribbonmen training in regular military order. Three of the leaders immediately stepped forward, and said to the inspector, "If you do not interfere with us, we will not interfere with you; but if you attempt to move one step against us, we will fire upon you." The officer did not feel justified in risking the lives of his men, and he avoided a collision. It was right and proper that the House should be put in possession of all such facts, and not only of one-sided statements, such as that made by the hon. Member for Dublin. Nobody could doubt the loyalty of Orangemen. On several occasions they had volunteered their services to the Government, and Lord Camden had accepted them. On a late occasion, when rebellion was threatening throughout the country, the Protestants of the north volunteered their services to the Government to act in any manner and in any part where they might be required. The consequence was, that the whole of the troops in the province of Ulster were withdrawn except two depôts. In whose hands, then, remained the preservation of the peace of the province? In those of the Protestants. It was not his intention to have alluded to the events that had recently taken place in the county of Down; but as the conduct of the persons present upon that occasion had been brought before the House, he would read a challenge sent to the gentry of the county three days previous to the 12th of July. The hon. and gallant Baronet read this document. It was addressed to "George Hall, Esq., Justice of the Peace," and it warned them not to meet at Dolly's Brae; and bid defiance to all Her Majesty's authorities and forces; concluding thus—"Repeal, repeal, repeal for ever! From the Repealers." The hon. and gallant Baronet also read a report of the proceedings at the dinner to Mr. Beers, with the view of showing that they had no reference whatever to the transactions at Dolly's Brae. He complained of the hon. Member for Dublin having called the inquiry before the coroner a "mock coroner's inquest." Nothing could be more unjust or unfounded; and he put it to the House whether the use of such expressions was justifiable? He should not, after what had fallen from the right hon. Baronet, press his Amendment.

Viscount CASTLEREAGH did not think it necessary to defend the magistrates of the county of Down against the attacks of the hon. Member for Dublin. Those attacks refuted themselves, and he did not think the gentlemen of Down cared, or need care, very much about them. He thought it exceedingly unfair towards those magistrates who had been doing their duty in a time of great difficulty, that at the time when they were about to undergo a judicial trial, they should be subjected to the criticism, and he might say the abusive language, that had been used in that House. Perhaps he might be allowed to say one word with regard to these armed bodies being illegal. He wished to know why that fact had not been discovered at the time of the processions on the 17th of March last; or why it was not considered to be within the province of the Government or of the Lord Lieutenant to proclaim the meetings, when it was known that they were about to take place? They should, if necessary, have written to the lords lieutenant of counties and to the magistrates, requiring them to make known to the people that these meetings, from whatever side they came, were to be suppressed. But the fact was, he believed great misapprehension prevailed on the subject. It was true that Mr. Baldwin had declared the other day in Down, that armed meetings were illegal; but the Earl of Roden and the other magistrates who took part in the proceedings, had no idea of anything of that kind. It was to be supposed that even the stipendiary magistrates did not know of the illegality, or that they would not otherwise have been present. The people were left to act in utter ignorance of the law. But if the meetings were illegal, why, he would ask, had not the fact been so stated when the Government had been pressed to bring in a Bill to prevent their taking place? For his own part, he believed that the subject was one on which great misapprehension prevailed, and he should therefore again protest against those gentlemen being subjected at the present stage of the inquiry to the attacks of the hon. Member for Dublin, who wished to have judgment pronounced in this case before the trial took place.

Mr. SCULLY said, he thought the noble Lord was not justified in describing this as an unfair movement on the part of his hon. Friend the Member for Dublin. This unfortunate occurrence in the north had created the greatest excitement, not only in Dublin, but throughout the whole south of Ireland, and it was feared that the event might lead to further disturbances hereafter. He quite agreed with the noble Lord, that it was unfortunate the Government had not taken steps to prevent the processions, when it was known for weeks before that preparations for them were in progress. That, however, not having been done, a responsibility had been incurred by the magistrates who attended, from which they should not be allowed to escape. Allusion had been made to the Repeal Association; but the magistrates connected with that body had been dismissed from the commission of the peace on a few hours' notice. This sunk deep into the minds of the Irish people at the present moment, because they felt that equal justice was not administered between both parties. The Repeal Association was never considered as an illegal society, and therefore a connexion with it was far different from belonging to the armed assemblage by which these murders had been perpetrated. He would advise his hon. Friend to withdraw his Motion for the present, on certain conditions. He admitted, with the right hon. Baronet the Secretary of State for the Home Department, that it would be impossible to produce all the correspondence at the present moment; but when the report on the matter had been made to the Government, he hoped they would consent to lay on the table of the House all the correspondence that had taken place between the Government and the civil and military authorities. He thought that his hon. Friend had attained his object, which was to express to the country and to the House the feelings of the Irish people on this subject.

Mr. G. A. HAMILTON said, that he agreed with the hon. Member who had last spoken, when he said it was the duty of the Government to have declared all processions illegal before the 17th March; but he rose for the purpose of appealing to the House, whether it was desirable that this discussion should proceed further. He could not help thinking that he might even appeal to the Member for Dublin, whether, after the statement of the right hon. Baronet the Secretary for the Home Department, that the affair was under inquiry at the present moment, it was not more consistent with justice and fairness, as regards both parties—those whose cause he professed to advocate, as well as those whom he prejudged—that the discussion should be postponed till all the facts of the case should be fully and fairly before the House, when the House should be in a condition to judge who were really the aggressors. He thought that every well-minded man should discourage these inopportune discussions on partial and *ex-parte* statements, when so much excitement prevailed. Hon. Members ought to bear in mind that such strong language as they had heard from the hon. Member for Dublin, was of all things, at such a moment, calculated to exasperate party feeling, and to aggravate those dissensions in Ireland which were so much to be deplored; he, therefore, trusted the feeling of the House would be against any further discussion at present.

Mr. GRATTAN expressed a hope that the Government would extend the inquiry to what had occurred at Belfast. He hoped that his hon. and gallant Friend the Member for Armagh and others would use the influence which they possessed among the Orange party to prevent such processions in future. He believed that his hon. and gallant Friend and the Earl of Roden had never encouraged these processions, and that they deeply regretted the dissensions which prevailed.

Captain ARCHDALL said, he felt that the Orangemen would not suffer by anything that was said by the anti-Protestant party in that House. He would wish to know why the hon. Member for Limerick and others who had spoken on the subject, had kept out of sight altogether the reasons which had induced the Orangemen to assemble. There were not only challenges sent out to the Orangemen, and threats that they would be murdered if they ventured to march, but the matter was so notorious that the Government had thought it necessary to send military to the spot. With regard to some observations that had fallen from him the other night, he thought, wherever vulgar abuse, excited by religious hatred and political animosity, was displayed, it was entitled to scorn and contempt.

Mr. REYNOLDS felt that after the appeal which had been made to him, it would be unbecoming to press the Motion. In reference to what had been said by the right hon. Secretary of State for Home Affairs about the Earl of Clarendon, he had to express his belief that in the

Earl of Clarendon's hands the question was perfectly safe. But though he had great confidence in the Earl of Clarendon's good sense and impartiality, he felt surprised that his Excellency had not dealt with the northern magistrates as the Chancellor of Ireland had with the magistrates of the south, who had only inquired whether they attended certain meetings; and on receiving their answers in the affirmative, removed them from the commission of the peace. That was a gross injustice; but there they had to adopt a circuitous course by an injury. It was his opinion that the Earl of Roden ought to have been written to and asked if he had attended the meeting, and if he had he should be at once dismissed. He denied that the hon. and gallant Member for Armagh was correct in stating that no reference had been made to Dolly's Brae at the dinner, for Mr. Beers had stated "that they had baptized the spot, which in future would not be called Dolly's Brae, but King William's Hill." He thought that this was sufficient to show that allusion had been made on that occasion to the scene of the outrage. He thought great good had been accomplished by that discussion, for the people of Ireland would be made aware that such scenes could not be acted with impunity. The hon. and gallant Baronet the Member for Armagh had commenced his speech with the assertion that none of his (Mr. Reynolds') statements could be proved; but the hon. and gallant Baronet had not answered them—he had left them undisturbed. He would now say to the right hon. Baronet the Home Secretary, that although he had great confidence in his sense of justice, he and those who coincided with him were of opinion that justice in this case ought to have been more rapidly administered.

Viscount NAAS begged to remind the House that when Parliament expressed a wish that the Orange Society should be dissolved, the Earl of Roden took the whole odium of that act on himself, and that it was mainly owing to his influence that the Orangemen had submitted to the proceedings so quietly as they had done. He believed there was no one who would be more rejoiced if the recent processions were to be the last to take place in the north of Ireland, than the noble Lord to whom he alluded.

Mr. M. J. O'CONNELL said, he did not wish to see the Government act in the summary manner on this occasion which his hon. Friend the Member for Dublin seemed to desire. He thought it most important that the decision of the Government should be deliberate, and that it should appear to every person in Ireland as an act of solemn justice rather than of rapid vindictiveness.

Motion, by leave, withdrawn.

The House adjourned at a quarter before Eight o'clock.

HOUSE OF LORDS,

Friday, July 27, 1849.

Minutes.] Public Bills.—1ª Boroughs Relief; Workhouse Loans (Ireland); Slave Trade (Persian Gulf).

2ª Defects in Leases Suspension; Railways Abandonment; Turnpike Acts Continuance; Stamp, &c. Allowances; Treasury Instruments; Customs; Nuisances Removal and Diseases Prevention; General Board of Health; Metropolitan Sewers; Consolidated Fund (Appropriation).

Reported.—Dublin Improvement; Pilotage; New Forest and Waltham Forest; Municipal Corporations (Ireland); Collection of Rates (Dublin).

3ª Bankruptcy (Ireland); Judgments (Ireland); Petty Bag, &c. Offices Amendment; London Corporation.

Petitions Presented. By Earl Fortescue, from Plymouth and Dalkeith, in favour of the Clergy Relief Bill.—By Lord Stanley, from Bath and Wells, for an Alteration in the Management of Educational Grants; also from Tipperary, for Protection from unrestricted Foreign Competition; also from Kingston-upon-Hull, against the Pilotage Bill.—By Lord Redesdale, from Canterbury, against the Stamp, &c. Allowances Bill.—By the Earl of Rochester, from Chelmsford, against the Granting any New Licenses to Beer Shops.—By Earl Fitzhardinge, from Bristol, for the Abolition of Intramural Interments.

BANKRUPTCY LAW CONSOLIDATION BILL.

Lord BROUGHAM announced to their Lordships that this Bill had now come back to their Lordships—a Bill which he declared to be of vast importance to the law, in the judicature, and to the mercantile community at large. As he was about to ask them to assent to all the alterations of the Commons, with the exception of two clauses, from which he must ask them to dissent, he would venture to intrude upon their attention with a statement on which he thought that the fate of this Bill for the present Session would materially depend. He hoped that the House of Commons would not refuse to accede to his proposition, but would meet him, as he was prepared to meet them, in a spirit of mutual accommodation. The Bill, which, as their Lordships were well aware, had passed unanimously in that House, had gone down five or six weeks ago to the other House of Parliament. That body, approving of its principle, had given it a second reading, and had referred the settlement of its details to a Select Committee. Unfortunately, on that Select Committee it was not found possible, from their numerous avocations, to place the most eminent Chancery lawyers who adorned the benches of the other House of Parliament. But on that Committee were some of the most eminent Members of the Common Law bar. The Attorney General had himself taken charge of the Bill, and the Committee could not have had an abler chairman (Mr. Spencer Walpole). The rest of the Committee had no particular concern with the bankruptcy law—they were mercantile men from Manchester, Liverpool, and the city of London; there were also some of the Members from the great trading towns of Yorkshire. The first objection which the Committee made to the Bill, related to the form of it. Now, he had borrowed the form of it from the French code, which was universally admired throughout Europe, and which, he thought, was the most suitable to all parties. The Committee, however, departed from his plan, recurred to ancient forms, and set their faces against all innovations. The bankruptcy code, as he had framed it, consisted of 378 articles, numbered in succession for the convenience of citation. The Committee struck out a considerable number of his "articles," and because they thought the word "article" a bad word, expunged it from the Bill, and substituted for it the word "sections." They also adopted Roman and not Arabic numerals; and the Bill had been sent back to them with an X for 10, and with a C for 100, an alteration no doubt very important and very praiseworthy, but for which he could see no reason whatsoever. The Bill, however, so mutilated, had come back to them, he would not say changed at nurse, but much altered in its external appearance. And all this was done to avoid innovation, although neither he nor any other lawyer had ever heard of the word "section." Then the Committee divided the whole Bill into chapters. It was divided into 29 chapters, all of which were headed by the formal words:—"Be it enacted"—which added something to the length of the Bill, but nothing to its real value. He did not object to this; but he merely wished to explain how the progeny of their Lordships had been altered by the fostering care of the other House. A want of the practical knowledge of the bankrupt law generally, and also of the working of that law, had caused the Committee to make great alterations in the Act, as he thought, much to its detriment. First of all, the examination clauses, to which the mercantile community attached much importance, had been left out of the Bill. All the provisions as to fraudulent and secret transfers of property had been expunged, which would not have been the case, he would venture to say, had any of his learned Friends of the Chancery bar been members of the Committee. Those excellent persons would either have not struck the clauses out, or, if they had, would have discovered an efficient substitute for them. He spoke on that point from personal knowledge of the men, and also from personal communication with them on the point. Another alteration had been made in giving power to hear evidence in the Court of Appeal, upon the supposition that there was an intermediate court of appeal in which such evidence was taken. Now, that intermediate court of appeal had no existence. He had received, and would read to the House, two memorials from Manchester—and the last was from the Chamber of Commerce of that city, dated July 25, 1849—both stating that this Bill, in consequence of these erasures, was not worth having, and that the Bankruptcy Bill should be at once rejected in the hope of getting a better next Session. Now, though he could readily enough concur in the chagrin of these parties, he could not altogether coincide in their conclusions. He could not consent to reject the Amendments of the Commons; for such a rejection would involve the total destruction of the Bill. The merchants of London and the traders of Yorkshire agreed with the Bill, but lamented the changes made in it. They were of opinion, for several reasons with which he would not trouble their Lordships, that it was an important improvement on the present law, upon which future improvements might be engrafted in another Session; and such improvements he pledged himself to introduce early in the next Session. Clearly then, as practical men engaged in accomplishing a practical object, it was their duty to listen te the voice of London and Yorkshire, and not to that of Manchester and Liverpool. Nevertheless, he felt some surprise and great regret that the Select Committee did not take extraordinary precautions to call before them the Bankruptcy Commissioners. Mr. Holroyd, Mr. Goulburn, Mr. Fonblanque, and others, had been engaged for the last 18 or 20 years in bankruptcy;

and yet not one of those learned personages had been called before the Committee. He (Lord Brougham) went to give his evidence before them; but he was a poor substitute for such high authority as theirs. He could not help mentioning another thing—that during the alteration of this Bill in the Select Committee, another Bill had been sent up to their Lordships which had been passed unanimously in all its stages in the Commons—which had been read a second time, and committed by their Lordships — and which was even now waiting for a third reading. Would their Lordships believe it?—the very clauses which had been rejected in the English Bankruptcy Consolidation Bill, had been inserted in the Irish Bankruptcy Bill, and passed without opposition. Their Lordships were, therefore, either going to provide two different codes of bankruptcy for the two countries on each side of the Channel; or, if they were not, and were determined to make the two Bills the same, they must reject all the clauses in the Bill of the Commons, as the Commons had rejected all the clauses in the Bill of the Lords. The House of Commons had spent, he believed, just two hours and ten minutes in going through the 278 clauses of this Bill, allotting, on the average, to each clause just twenty-five seconds of time, which, he was informed, was a very large average for that House at this period of the Session. The result of the debate—if such it might be called—which took place upon the Bill in another place, did not, in his opinion, necessarily prove that they were right, and their Lordships were wrong. He must now say one word on the examination of the witnesses who appeared before the Select Committee. He confessed that he was alarmed when he heard that the House of Commons had sent his digest of the criminal law to a Select Committee for examination. He immediately said to himself—"What will now become of my digest of the criminal law, on which the first lawyers of the day have been engaged for many years, at great public cost? There are in it 1,200 articles, but in the Bankruptcy code there are not 400. If the House of Commons can't give faith and credit to the labours of select commissioners, and of learned professional men —if they will weigh every article word by word, and sentence by sentence, the sooner the Criminal Law Commission is brought to an end the better, for no digest can be passed though either House of Parliament." The fact was, that matters of such a nature must be disposed of in confidence; and such was the doctrine laid down by the manly mind of Lord Lyndhurst, when he was Lord Chancellor, and such was the doctrine upon which he acted with regard to some legal reforms which he (Lord Brougham) had proposed. Well, the Select Committee examined witnesses, and among others, a learned Judge of the Court of Chancery. They asked him—"Have you considered the Bill before the Committee as to the administration and consolidation of the law of bankruptcy?" And again—"Have you anything further to propose?" What was the answer which the learned Judge gave? It was this—"That is a very large subject. I will answer you any question you may choose to ask, but I cannot enter at once into a treatise on bankruptcy. Whilst the Bill was before the House of Lords, not thinking it likely that I should be examined, I examined it very little; and it was not till it left the Lords"—or, in other words, till it became a Bill under the unanimous sanction of the House—"that I gave more attention to it; but it is a pamphlet of more than a hundred pages." He had a profound respect for the judicial bench, and more especially so whilst those who wear the ermine learn and practise the first lesson of practical wisdom for a judicial officer, namely, that just in proportion as a Judge, by his rank and dignity, is well adapted for defensive operations, he is ill adapted by his rank and dignity for offensive operations. He should respect a Judge in proportion as he respected himself, by showing that he did not mistake obscure and mysterious sentences for profound judgment, smart decisions for easy judicial sagacity, and pert flippancy for party wit. So long as the Judge allowed him (Lord Brougham) to respect him, the Judge would command his respect as his undoubted due. He (Lord Brougham) had no occasion to defend the House of Lords, or this Bill, the production of its wisdom, which had been decorously called "a pamphlet of more than a hundred pages." Some persons found it easier to jibe than to read and comprehend, and of those persons he would not say that this witness was not one. Those who hated innovation in the form of an enactment, would, in this Bill, not find that ground of complaint; at least, they would only discover it to a limited extent, for they would find that the whole of the repealing part of the Bill was comprised in a single sentence—he alluded to that which repealed all the former Acts. With respect, however, to the schedules, he had a very different remark to make, for he found that the Commons had made numerous exceptions which were likely to create very great confusion. There was also a slight omission respecting all the salaries of all the Judges. There was, moreover, another slight omission, the omission of the word "not" in a most important place. Then, the power of making rules and regulations, with the consent of the Great Seal, had been placed in the hands of eight commissioners, including the senior commissioner. But, according to the plan now proposed, any eight commissioners might in the country, without consulting any of the metropolitan commissioners, make any rules and regulations they thought proper; and those rules and regulations would be of sufficient authority to govern the proceedings of all the commissioners, not only throughout the country, but in the metropolis likewise. He had now only to add, that he proposed to make two or three alterations in the Amendments sent up to them from the House of Commons. Those alterations would relate to executions, and to fraudulent and secret transfers of property. This, however, should not prevent his proposing to the House any other measure on the subject in the course of the next Session of Parliament. It only remained for him to move, that their Lordships do agree to all the Amendments made by the House of Commons, with the exception of the omission of the first Clause, and in the schedule with the insertion of the word printed in italics.

LORD CAMPBELL had no objection to this Motion; but he hoped that when his noble and learned Friend came more minutely to examine the Bill, he would find that it was not open to so many objections as it seemed liable to when he first addressed the House on the subject. He assured their Lordships that the Attorney General, and his hon. and learned Friend the Member for Midhurst, had given the measure their most careful attention; the Committee comprehended many men of great eminence in the profession of the law, and it was evident that they had taken the greatest possible pains in revising and perfecting the Bill.

LORD BROUGHAM declared that he did not mean to cast the least slight upon his hon. and learned friend, Mr. Walpole, for whom he entertained the highest possible respect.

LORD WHARNCLIFFE hoped that some Bill would be introduced next Session for the purpose of completing the measure; but for the present, his Lordship was understood to say that the Bill now before their Lordships had better be passed as it was.

LORD REDESDALE wished to take that opportunity of presenting a petition from a gentleman of the name of Church, who held the office of Clerk of the Enrolments in the Court of Bankruptcy. The House of Commons had not abolished the office; for if they had, he might, perhaps, in the regular way, have claimed compensation; but they had abolished the practice of enrolment, by which means he had been deprived of all his fees. It was on these grounds that he hoped his claims would not be overlooked.

LORD BROUGHAM admitted that it was a case of great hardship; but the office was unnecessary, and the House of Lords had no power of giving compensation. With respect to the Bill before them, they must send a message to the Commons, intimating that they had agreed to the Amendments with Amendments.

Commons' Amendments considered and agreed to with Amendments, and Bill sent to the Commons.

DEFECTS IN LEASES SUSPENSION BILL.

LORD BROUGHAM moved the Second Reading of this Bill.

LORD CAMPBELL objected to the second reading of the Bill, the effect of which would be to suspend, until the end of the next Session of Parliament, one of the most useful Bills that had passed the Legislature this Session. He had the honour of proposing the second reading of the Defects in Leases Bill, the operation of which it was proposed to suspend by the Bill now before the House. That Bill was suggested by his hon. and learned Friend the Solicitor General, who drew up a sketch of it, the measure having been perfected by his learned friend, Mr. Coulson, whose assistance to the Government in such cases was of the highest value. The object of the Bill was to remove a scandal which existed in the law of England, and also the prejudice which existed on the subject of entails and family settlements. Under the law as it stood previous to the passing of that Act, repeated instances had occurred of leases having been declared void in consequence of some defect in their execution; and one of the provisions of the Bill was to the effect, that, in cases where it should be found that any inaccuracy existed in the execution of the powers for granting leases, they should not be declared void, as they were then liable to be, but that they should be held to be good, so far, at least, as the granting of the lease was concerned. The remaining enactments of the Bill, he considered, were of so beneficial a nature, that he could not consent to the suspension of the Act as proposed in the Bill of the noble and learned Lord. Had the Bill been one proposing merely to remedy any defects in the Bill, he would not, perhaps, have had any objection to offer to it; but as the case at present stood, he felt it his duty to move that the Bill be read a second time that day three months.

Lord BROUGHAM said, that the observations made by his noble and learned Friend might be fair enough, but if their Lordships would only give the Bill a second reading, it might be amended in Committee.

On Question, resolved in the *Affirmative.*

Bill read 2ª.

RAILWAYS ABANDONMENT BILL—ADJOURNED DEBATE.

The Earl of GRANVILLE, in moving the resumption of the Adjourned Debate on the Second Reading of the Railways Abandonment Bill, stated that he had received no additional information since yesterday, calculated to induce them to view the measure more favourably than they had previously done; but he still was of opinion that it would be advantageous to pass the Bill. As the law at present stood, the shareholders in railway companies could not be proceeded against by landowners otherwise than in the Court of Chancery. A suit of that nature, he understood, would occupy about two years; and after it was over, the landlord might find, and probably would find, that the only property which the company possessed was a certain ditch that they had cut through his lawn. Besides that, the wealthy shareholders found it very hard upon them to pay for injuries inflicted through a pertinacious prosecution of the project by men who had no property. The measure which he recommended to the acceptance of their Lordships would have the effect of relieving landlords from the necessity of proceeding in the Court of Chancery for a specific performance of contract; and it would protect one class of shareholders against another. Doubtless there was a highly respectable and intelligent class of men, the Parliamentary agents, who would lose rather than gain by the provisions of the Bill. The money, however, that would cease to go into their pockets would be all for the benefit of the shareholders in companies.

The Earl of EGLINTOUN objected to the Bill, on the ground that it would tend to abrogate the authority of their Lordships, and would devolve upon the Railway Commissioners greater powers than were ever exercised by their Lordships, or any Committee of either House of Parliament. He would not occupy their time by going into the clauses of the Bill; but merely state this, that one of the principal reasons for passing this Bill had been to avoid the great expense individual companies had to undergo by coming before Parliament; but he wanted to see how that expense was to be avoided. If the Railway Commissioners were to sit and listen to evidence, and hear the speeches of counsel, then no doubt they would arrive at as proper a decision as a Committee of their Lordships' House; but he did not see how the expense would be avoided. And if the Railway Commissioners were to allow a company to be dissolved on the mere statement of the parties without inquiry, that would be an objectionable mode of proceeding.

Lord REDESDALE thought that they could not effectually legislate on the subject without having more time to consider it.

Lord MONTEAGLE was in favour of the principle of the Bill, but did not think they could do justice to that principle by carrying it through this Session.

The Earl of GRANVILLE said, that after the statements which had been made by his noble Friends opposite, he would not press the Bill.

On Question, that the word "now" stand part of the original Motion,

Resolved in the *Affirmative.*

Bill read 2ª.

PILOTAGE BILL.

House in Committee.

The Earl of ELLENBOROUGH wished to know whether there had been any communication between Her Majesty's Government and the Trinity Board as to the principles upon which they were to exercise the powers conferred upon them by the Pilotage Bill. By the Bill as it now stood, the Trinity Board could give, at their discretion, a license for any ship to any port. Under an Act of George IV. a pilot could not obtain a license unless he had been mate for three years in a vessel of 80 tons; or a master for one year with a vessel of the same size. If he had not either qualification, it was necessary that he should have been seven years a servant of the Board, in the appointment of pilot, or five years a pilot's apprentice. He wished to know what restrictions the Trinity House intended to place itself under in the exercise of its discretion. It was not safe to give arbitrary discretionary powers to bodies of men or to individuals, unless there was an absolute necessity. By the 25th section of George IV., the owners of vessels were not liable for loss if the pilot was a certified one. Now, he wished to know whether under this Act the owner would be liable if the vessel was lost by the incompetence of the master. This was very important to know; and if the Bill had been sent up in time, their Lordships could have attended to it and to other important points. He held in his hand a letter, dated the 24th of July, and written by the commander of one of Her Majesty's ships, directing that seven or ten pilots should be in readiness at Cove, to take charge of the Royal squadron on the 5th of August. He alluded to this letter in order to show the necessity that existed for having a supply of pilots. If this Act were to come into extensive operation, there would not, in the present case, be ten pilots found to take charge of Her Majesty's fleet. He had stated last night, that he saw no objection to give certificates to the captains of steam vessels plying between the ports of the united kingdom and the opposite ports of the Continent, because, from the circumstance of their coming into port so often—perhaps two or three times a week — they must know the difficulties of the harbour. In these cases he did not see any objection to make the masters of vessels the pilots; but if they were to allow the captains of vessels which had made long voyages to be their own pilots, they would run great danger; because the shifting of the sands, the changes of buoys, lights, and the appearance of the coast, required the experience of a man who lived upon the spot, and watched the movements of the tides and currents. He believed that the masters of Her Majesty's ships were not allowed the expense of pilotage in English ports, and it might be the same in Irish ports; but the letter he had read showed the distrust of the Admiralty in the knowledge of the masters—and they were right; for he himself would not trust their knowledge, except where they had been accustomed to a particular locality for a certain time.

LORD BYRON thought this Bill ought to have been called the "Steam Pilotage Bill." Had its provisions been in accordance with that title, it would have been most beneficial and quite unobjectionable.

EARL TALBOT observed, that any person who had brought his ship home in heavy weather, must know the advantage of having a pilot acquainted with the coast. He hoped the Government would alter the Bill, so as to apply it only to steamers.

The EARL of GRANVILLE wished to state, in reply to the question of the noble Earl (the Earl of Ellenborough), that the result of the communications held with the Trinity Board, was a condition, on the part of the Government, that the powers conferred should be exercised with great caution and prudence. Under the new law, the owner would be responsible for the conduct of the person who acted for him as pilot, instead of being exonerated, as he was at present. He could not admit that the peculiar circumstances of Her Majesty's voyage to Ireland at all affected the commercial question at issue; and, as regarded the question of general safety, he thought sufficient credit was not given to the owners of vessels for a desire to preserve their own vessels from shipwreck, at whatever cost.

The EARL of ELLENBOROUGH said, that nothing could be more necessary and proper than to take every possible precaution for Her Majesty, but it was likewise absolutely necessary that every possible precaution should be taken of Her Majesty's ships. The noble Earl should remember also that only one Royal person could go in one ship; and that one pilot only, therefore, would be required for Her Majesty's safety, whereas the others were required for the rest of the squadron.

Bill reported without Amendment.

TITLES OF ROMAN CATHOLIC BISHOPS IN THE COLONIES.

LORD REDESDALE, in moving for correspondence relating to the precedence of Roman Catholic Bishops in the colonies, would remind the House, that last year he drew their attention to a circular addressed by the noble Earl opposite to the Governors of all the colonies, in which, referring to a communication he had received from the Lord Lieutenant of Ireland, to the effect that by the Bequests Act the Legislature had given to Roman Catholic Archbishops and Bishops corresponding rank with the Prelates of the Church, he desired that the same should be conceded to them in the colonies. The noble Earl refused to produce this letter of Lord Clarendon, as being a private document, but admitted that his interpretation of the law was incorrect, and that no precedence whatever was accorded to those Prelates by the Act in question. As, however, much mischief has arisen from this mistake, he thought it desirable again to call the attention of the House to the subject, the more so as Her Majesty is about to proceed to Ireland to be received there by the same Lord Lieutenant. He much regretted that this question should have arisen. The subject ought not to have been officially noticed, for it was not one for official interference. He was confident that all right-minded persons would always be disposed to concede proper rank to the Prelates of any branch of the Catholic Church, even though they might consider that branch to be corrupt in its doctrines, in the same way as rank by courtesy is granted to foreign nobility. But as it would be improper, unconstitutional, and derogatory to the supremacy and dignity of the Crown for a Secretary of State to direct officially that rank should be conceded to foreign nobles, and determine what rank, making it in some cases above that of our own nobles, so is it equally objectionable that he should determine the rank of Prelates appointed by a foreign authority, and not deriving their titles to office from the Sovereign of these realms. The only way in which the noble Earl can release himself from the unfortunate difficulty into which he has plunged, is by withdrawing all his public and official orders on the subject, as founded originally on a mistake, and leaving the matter to the good feelings and courtesy of the people, at home and in the colonies. When he wrote the circular, I believe that he had no idea that any difficulty would arise from it. The policy of the Romish Church being to set itself as much as possible above our own, advantage was taken of their Bishop in Australia being an Archbishop, to claim precedence for him over the Bishop of Sydney. A correspondence has taken place on the subject, and he had understood that the noble Earl has laid it down that the Bishop of Sydney, having metropolitan jurisdiction, should have precedence of the Romish archbishop, though himself only a bishop. This is a lame attempt to escape from the difficulty of having proposed to give to Romish archbishops a corresponding rank to our archbishops. Strictly speaking, an archbishop has no rank as such, except precedence over the bishops of his Church. There is no archbishops' bench in this House, but the archbishops sit at the head of the bishops' bench. The Archbishop of Canterbury takes precedence of the Lord Chancellor, who takes precedence of the Archbishop of York, showing that there is no rank belonging especially to archbishops, but that the Primate of all England has one rank granted to him in right of his office, and the Primate of England another, and not a corresponding rank, in right of his office —both, too, settled by Act of Parliament, and affording no guide for the placing of archbishops of foreign appointment. The rank proposed to be given by Lord Clarendon, would be derogatory to the Queen's supremacy. According to his mistaken interpretation of the Bequests Act, the Roman Catholic archbishop in the Ulster district, was to take precedence after the Archbishop of Armagh, but before the Archbishop of Dublin, which would be conceding to the Pope not only the right to make an archbishop with rank here, but to make an Archbishop of Armagh and a primate of all Ireland. Nor would the difficulty end here. Supposing rank to be granted to Irish and colonial prelates as indicated in Lord Clarendon's letter and the colonial circular, what rank would be conceded to one if made a Cardinal? He wished also to be informed what rank was to be given to Roman Catholic prelates in England, as well as what has been decided upon in the colonies.

Earl GREY said, the papers moved for by the noble Lord were produced last night in the House of Commons, and of course they would also be laid before their Lordships. With regard to the question that had been raised, the real state of the case was this: No bishops, either of the English Established Church or of any other, had any right to rank, properly speaking, except as Lords of Parliament; and the bishops of the Irish Church only had rank, because by the Act of Union they were entitled to the rank which they previously possessed. Therefore no bishop had a right to rank as such, except by virtue of that statute, or as Lords of Parliament; but for many years it had been the practice—unfortunately, as he thought—to extend to bishops of the English Established Church in the Colonies the style and title given to bishops in this country. That, however, had been done, as he believed, entirely in error; but as in certain colonies the Protestant bishops received precedence by courtesy, it came to be considered that the Roman Catholic rather than the Protestant bishops were entitled to it in those colonies where the majority of the population consisted of Catholics. And in colonies like New South Wales, where the majority was Protestant, although there was yet a large proportion of Catholics, the Catholic bishops had the same right, and were paid their salaries precisely in the same way, as the bishops of the Protestant Church; and the Protestant Church there not being more established than the Roman Catholic, it was considered a great social inequality that the bishop of the one Church should have a title that was denied to that of the other. Upon that principle it was that he (Earl Grey) issued his order that the title—the mere courtesy title—should be conceded to Catholic bishops as well as to those of our own Church. Following out that principle, he had instructed the Governor of New South Wales not to allow the Roman Catholic archbishop to take the precedence of the bishops of our Church; and the Catholic bishop at Melbourne having claimed to be called Bishop of Melbourne, he had instructed the Governor that the only Bishop of Melbourne was the Rev. Dr. Bennett, who was appointed by Her Majesty. He had also instructed him not to admit the pretensions of the Roman Catholics to have their Church recognised as if it were the only "Catholic" Church, but always to use the term "Roman" before the word Catholic when mentioning that communion officially. As to the case put of a Cardinal visiting this country, that had never occurred in his official experience, and he declined to enter into that part of the question.

LORD REDESDALE expressed himself gratified by much of what had fallen from the noble Earl; but he had not answered his questions. For instance, if he still adhered to anything like his former proposition, what rank would he give to any of the Roman Catholic prelates in this kingdom or in the colonies if advanced to the rank of Cardinal?

EARL GREY said, that till the case arose, he declined to answer the question.

The EARL of CARLISLE said, that he was sure if any Cardinal came over to this country, every person would call him his Excellency.

LORD REDESDALE: That is no answer to my question.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, July 27, 1849.

MINUTES.] PUBLIC BILLS.—1° Mercantile Marine.
3° Workhouse Loans (Ireland); Drainage of Lands; Admiralty Jurisdiction in the Colonies; Slave Trade (Persian Gulf).

PETITIONS PRESENTED. By Mr. Baldock, from Shrewsbury, for the Marriages Bill.—By Lord J. Russell, from Merchants, &c., for promoting Steam Communication to the Australian Colonies.—By Mr. Ormsby Gore, from Sligo, for facilitating Emigration.—By Mr. Disraeli, from Uxbridge, for Repeal of the Duty on Attorneys' Certificates; also from the Montgomeryshire Farmers' Club, for Agricultural Relief; and from the Amersham Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Bouverie, from North Uist, for Redress.—By Sir Ralph Lopes, from Clyst Honiton, respecting the Appropriation of the Educational Grant.—By Mr. Spooner, from Sunderland, for an Alteration of the Merchant Seamen's Fund Act.—By Lord Dudley Stuart, from Kentish Town, complaining of the Impurity of the Water supplied to that District.—By Mr. Brotherton, from Ashton, against the Mines and Collieries Bill.—By Admiral Dundas, from Deptford, for an Alteration of the Poor Law.—By Mr. Ellis, from Leicester, for the Protection of Women Bill.—By Sir D. Dundas, from Kirkwall, against the Public Health (Scotland) Bill.—By Mr. Newdegate, from the Holbeach Union, for an Alteration of the Sale of Beer Act.—By Viscount Palmerston, from Jamaica, for the Suppression of the Slave Trade; and from the Tiverton Union, for an Alteration of the Small Debts Act.

SLAVE TRADE (PERSIAN GULF) BILL.

Order for Third Reading, read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. C. ANSTEY stated it to have been his intention to have offered some opposition to the principle of this Bill on the second reading; but in consequence of the absence of the noble Lord the Secretary for Foreign Affairs, he had postponed doing so. He believed Bills of this description were productive of a great deal of mischief. He had various and well-grounded objections to treaties of this kind, as he felt they had been productive of injury to the cause of humanity, and the slave trade had increased in consequence of them, and in spite of them. He contended, moreover, that this was not a time to increase the naval expenditure of the country, unless in cases in which the honour and dignity of the country were materially concerned, but certainly not for the purpose of carrying out treaties of this kind, if treaties they were. He understood that the annual expense of the vessels upon the coast of Africa was 400,000*l.*, and that since the period when the bounty system began, no less a sum than 161,861*l.* had been expended. The Bill of the Government would increase this expenditure, for it would be necessary to have a squadron in the Persian Gulf as we had on the coast of Africa, and there would be a further charge upon the Consolidated Fund for the bounty on captures. In that point of view, therefore, he considered the Bill of the noble Lord very objectionable. Another objection was this. The Bill recited certain agreements or engagements entered into by a gentleman residing by the Persian Gulf, and who was said to be accredited to the Schah of Persia, with chiefs whose territories bordered on those seas, and which agreements were similar to that which existed between this country and the Schah. He was sorry that any such agreement existed, for it would be better for both Persia and England if there were none. However, if the Bill passed, our courts of justice would have the power of dealing with the vessels and with the liberties of the subjects of those chiefs mentioned in the preamble of the Bill, whose territories lay upon the Persian Gulf, and who were in close connexion with the Schah, and probably owed him allegiance. The operation of the Bill would, therefore, lead to difficulties with the Schah, and would revive much of the ill blood which existed a few years ago. Moreover, it would cause the withdrawal of our vessels of war from the protection of our commerce and the prevention of piracy, for which purposes they were already insufficient in force. He could not conceive what benefit was to result from our ships being empowered to search and make prizes of these wretched Arab vessels. The noble Lord proposed by his Bill, and by the instructions in his despatch to Colonel Sheil, to make these engagements or agreements entered into with these petty chiefs applicable to all vessels *bonâ fide* Persian; and he asked the House to extend all the provisions of the Slave Trade Act to the seas of the Persian Gulf, and to bring the Arab tribes and their provinces there within the operation of that law. He considered that this would be productive of the worst consequences, by embittering the feelings of all those tribes against us, and by inflicting an injury on our commerce, which was now on the increase on the shores of the Persian Gulf. Upon these grounds he objected to the Bill, and therefore moved that it be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir T. E. COLEBROOKE seconded the Amendment. He viewed this measure simply as an attempt to continue and extend those attempts to suppress the slave trade by force which a long experience had now proved to be abortive and futile. They were now about to apply a system which had already signally failed on the coast of Africa to Mussulman tribes, without the least reflection as to its total inapplicability to them, and the manifest difference in all their habits, customs, and feelings. This was the most idle and useless of all the attempts which had yet been made to suppress the slave traffic; and the only effect of it would be to imperil our commercial relations in the East. But besides the general objections on principle, there were particular objections applicable to that particular case. The reasons for putting down the slave trade had always been regarded as of an exceptional nature—we interfered only on account of the magnitude of the evil; and it had always been held that we should not interfere with a nation on this account except upon the strongest grounds of humanity. There were no such reasons in the case of the eastern nations, for slavery with them was a very different institution to the slavery in other nations, and had not those repulsive features. Would the right hon. Baronet the President of the Board of Control say that the East India Company were in such a state that for a speculative object they were prepared to embark in increased expenditure? Or were the vessels now devoted to the suppression of piracy, and the protection of commerce, to be taken away for this new object? Considering that the whole question of the slave trade must come under the consideration of the House early next Session, upon the report of the Committee which had sat upon that subject, he protested against embarking upon this vain and idle attempt.

Colonel THOMPSON said, he could throw light on some of the points brought forward by the Mover of the Amendment.

There was nothing of novelty about the engagements alluded to in the present Bill; for the Treaty by which the slave trade in the Persian Gulf was declared piracy was made by the present General Sir W. Keir Grant on the 8th of January, 1820, and had the further peculiarity of being the first Public Act in which the slave trade was denominated piracy, as he knew from communication with the late Minister of the United States, Mr. Rush, who told him the American Act containing the same declaration, was dated in the May after, though from circumstances it was known in England first. The hon. and learned Mover of the Amendment might set his mind at rest on the subject of cruelty having been exercised towards the chiefs who were parties to the engagements named. He was personally acquainted with them all, except where a chief was dead, "and Esarhaddon his son reigned in his stead." He would relate the circumstances attending the signing of the treaty of 1820. As he was directed, he collected on the floor of a tent the representatives of the tribes concerned in the treaty which was to put an end to the war. After discussing the other subjects satisfactorily, he represented to them, with some caution and circumlocution, that there was another point which the Government and people of England had greatly at heart; and, if the English had not shown themselves disposed to make a harsh use of such fortunes of war as had gone in their favour, he hoped they would have credit for not wishing to make any improper interference with the customs of the tribes, but merely to urge a point in which their own feelings were deeply concerned. The collected plenipotentiaries evinced great interest to know what was coming. When he announced the question, "Would they admit such an Article as one declaring the slave trade piracy?" a ghastly laugh ran round the circle of diplomatists, and they exclaimed with one voice, "*Taïb, taïb kathîr!*" "Good, very good!" A light opened upon the negotiator. There was a potentate, who had been the ally of the British against these tribes during the war, and the subjects of this potentate, and not the tribes, were the great carriers of slaves by sea. It was therefore matter of high mirth, to accede to a treaty which cut, not against themselves, but against their enemies. [Mr. ANSTEY: Who was the potentate?] The Imaum of Mascat. He hoped the hon. and learned Mover was relieved from anxiety on the point of cruelty. On the subject of expense, he saw no reason to suppose that the expense of anything was to be increased by the contents of the Bill. The whole affair had been going on successfully and quietly for twenty-seven years, and because it was found desirable to have further regulations laid down by law, this Bill appeared to have been introduced.

VISCOUNT PALMERSTON was not going to discuss with the hon. and learned Gentleman who made this Amendment, or with the hon. Baronet who seconded it, the abstract love of slavery which was too evident in the course of their speeches. He would not, moreover, discuss with the seconder of the proposition the amiable character of slavery in Mahomedan countries; but it must be borne in mind that a great part of the slaves who were the subjects of slave States on the eastern coast of Africa, were Christians, natives of Abyssinia, and therefore had, in a greater degree, the sympathy of the British public than the negroes on the west coast. But the practice of slavery, both on the west and east coast of Africa, was to this country matter of great interest, because that great continent, that might naturally offer an amazing field for European commerce, never could be opened to the commercial intercourse of this country so long as that abominable slave trade was carried on. It was doubted whether those chiefs were independent; but no doubt whatever could exist on the subject. They were perfectly independent—as much so as the Imaum of Mascat, or the Schah of Persia. The hon. and learned Gentleman wished that it should be set forth in the treaty with each, that he was independent; but such a thing was never found in any treaty whatever. So far as the argument of the hon. and learned Gentleman went, as to our getting into angry discussion with the Schah of Persia on this question, the answer was a plain one—that in the month of June last year the Schah issued a firman prohibiting the slave trade in the Persian Gulf, and, in the formality of the East declared that firman to be equal to a decree of fate. [Mr. ANSTEY: Why was a Bill not brought in upon that point?] It was not necessary in order to carry into effect the decree of the Schah of Persia, as it was in the case of the other chiefs. The chiefs had granted the right of search; the Schah of Persia had not. But it was said they were engaged in a wild-goose chase in endeavouring to persuade Mahomedan Powers to enter into Christian views of this subject, and that they were forgetting that the system of abolishing the slave trade was incompatible with all their feelings and prejudices. He would shortly state to the House what they had done in that respect. They had had the Imaum of Muscat, the Schah of Persia, and the Sultan, all yielding to their wishes by prohibiting the slave trade in the Persian Gulf; and last year they had the Sultan putting down the slave-market of Constantinople, and prohibiting his officers on the coast of Barbary from engaging in the slave trade. But the other day a British subject, a Maltese, was seized as a person employed in the slave trade, and taken to Tripoli, whence he was sent for trial to Malta, and the Sultan ordered a certain number of officers to go to Malta to be examined as witnesses, in order that the British Government might be able to convict the prisoner. So far, therefore, from their being hostility or persevering resistance on the part of these Mahomedan Powers, they had made great progress in bringing them to a proper state of feeling on this subject. It was said this measure was to be attended with great expense; but, in point of fact, it would cause no expense whatever—not an additional cockboat would be required for the duty. All that was asked was, that they should give power to those vessels that were there for the protection of trade and the prevention of piracy to execute the agreement that had been entered into with the Imaum of Muscat. This Act was establishing no new principle. It was simply carrying into effect previous agreements with independent chiefs. It would lead them into no conflict with those chiefs nor with any other Power in the Persian Gulf; and he thought no argument had been adduced to show that it should not be agreed to by that House.

MR. MILNER GIBSON wished to ask the noble Lord whether a better understanding was likely to be arrived at with the Emperor of Brazil on the subject of our attempts to suppress the slave trade. He was told that very great uneasiness existed as to the state of relations between England and Brazil, and that these relations had been disturbed by our slave-trade policy; but he must say that it appeared to him very strange that it should have been thought necessary at all to have entered into any treaties whatever with these different chiefs, if we had a right to seize ships carrying on the slave trade without treaty. He was told that we had that right with Brazil; without any treaty with the Brazils entitling us to capture their ships. Having assumed the right to capture and search their ships without treaty, it appeared questionable to have entered into these treaties with these chiefs, if the noble Lord had the power of doing all in the way of capture without any engagement. He had doubts whether the attempt to put down the slave trade by force of arms would ever succeed. He believed that the only way was enlisting opinion in those countries which carried on the slave trade. At all events to interfere with the independence of foreign nations would only have the effect of enlisting public opinion in those countries in a state of hostility, and would defeat the object which they had in view. He thought it was not right to throw out any kind of insinuation that a gentleman who differed on the policy of armed interference in putting down the slave trade, was favourable to carrying on the infamous taffic. The hon. Baronet who seconded the Motion was as much opposed to the slave trade, and thought it as abominable a traffic, as the noble Lord. All that he questioned was the policy of attempting to put down the slave trade without reference to the opinion of the countries which were carrying on the slave trade. We could not expect other countries to arrive at our opinions at any moment we might point out. Opinion was of slow growth. The anti-slave-trade party in Brazil had not been at work so long in that country as they had been in this to abolish the slave trade. They were longer in this country agitating against the slave trade than they had been in Brazil. Why should we expect the Brazilians to be faster than we were? Give these different nations every time for the formation of an opinion, and carry on a conciliatory and rational course of policy. He should support the Motion of the hon. and learned Gentleman.

CAPTAIN PECHELL was sorry to differ from his right hon. Friend who had just spoken; but in all transactions connected with the suppression of the slave trade, he pinned his faith to the noble Lord the Secretary for Foreign Affairs, whose conduct during the last fifteen years had been most straightforward and consistent in that matter. In his opinion a squadron would always be necessary for the suppression of the slave trade.

MR. J. O'CONNELL agreed with the right hon. Member for Manchester that all attempts hitherto made for the suppression of the slave trade had, to a great extent, failed; but he attributed that failure to certain concessions which had been made by the Government to hon. Members opposite. It would hardly mend the matter to make further concessions in the same direction. He greatly doubted whether the hon. and learned Member for Youghal truly represented the feeling of his constituents in opposing this Bill.

MR. EVELYN DENISON said, that a Committee had been sitting for two years to consider the best means of putting an end to the slave trade; and the Committee had reported "That the suppression of the slave trade by naval force was, in their opinion, impracticable." It was painful, no doubt, to confess failure in an object which the country had so much at heart; but that was the conclusion to which the Committee had arrived. On account of the lateness of the Session and other causes, the report of the Committee had not yet been brought officially under the notice of the House. He (Mr. E. Denison) had come to the same conclusion which had been arrived at by the majority of that Committee. It was a painful position to be placed in at the end of a Session of Parliament, to be asked to vote for a Bill to enable Her Majesty to carry into effect certain engagements or treaties in the Persian Gulf for the more effectual suppression of the slave trade—the means to be taken for that purpose being the employment of a naval force—means which the Committee had come to the conclusion were entirely ineffectual. The noble Lord said that there would be no expense incurred; but he must doubt the correctness of that view, when he saw the provision made in Clauses 8 and 9 for bounty on captures and for indemnification. He had no alternative if there were a division than to vote against the Bill.

LORD J. RUSSELL said, that as his hon. Friend who had just spoken had touched upon the general question of the suppression of the slave trade, he would address a very few words in answer to the objections he had urged. He (Lord J. Russell) did not consider that the passing of this Bill would at all commit the House in regard to any future conclusion to which they might arrive on the general question of the means to be adopted for the suppression of the slave trade. The conclusions in the report of the Committee, which had not yet been considered by the House, did not appear to him a good reason for the rejection of this Bill. He agreed with his hon. Friend that the evidence taken before the Committee, and the report of that Committee, must form the matter for the most serious consideration, both of the Government and of Parliament, in the course of the next Session; but when his hon. Friend referred to that report as being the opinion of the Committee, he must say that there were circumstances which appeared to add to the difficulty which the Government and Parliament would have to encounter in considering the subject. If the report had expressed the unanimous opinion of the Committee, or the opinion of the great majority of the Committee, the case would have been different. But it appeared that there had been a majority of one vote only, that of a Member who had taken the greatest possible interest in this question, but whose opinions upon it were known to be so decided that no one believed that any evidence that could be brought forward would have power to alter his conviction, that the present means taken for the suppression of the slave trade were inefficient and injurious. Therefore, that view being unsupported by the opinion of a majority of the Committee, it only amounted to an acknowledgment that the opinion of his hon. Friend, the Chairman, was as strong now as it had ever been. Another circumstance which increased the difficulty experienced on this subject, was the object for which the Committee was appointed, that being to consider the present means used for the suppression of the slave trade; and if they were deemed to be insufficient, to see whether means could be found better calculated to effect the object in view. Now, when he looked to the report of that Committee, he found opinions very positive with respect to the means at present in use, and very full on the point of their inefficiency; but when he looked further, expecting some consolation for the failure of the present means, in the suggestion of other means to be substituted, he found only a frequent repetition of opinion on a well-admitted fact, that the slave trade was a very bad thing, and ought to be put an end to. The question, therefore, really remained to be considered by Parliament in the course of another Session. It might be that the present means in use were inefficient, and did not answer their object;

but it was for Parliament, before giving up these means, to discover others by which they might hope to succeed in utterly suppressing the slave trade.

Mr. HUME said, he wished to call the attention of the House to the fact, that the Committee, where these differences, it was true, existed, had yet decided by a majority against the policy pursued by the Government. But Government always took care, in the appointment of every Committee, to have a majority of the Members in favour of their own views, and hence the result at which this particular Committee arrived showed that the Government had been beaten. The Committee decided on two allegations—first, that our policy in regard to the slave trade, instead of doing good, aggravated its horrors; and, secondly, that it was a source of great expense to this country. Our exertions in those seas had increased the atrocities perpetrated on the slaves. They found now such cases occurring as 500 human beings crowded into a vessel of 100 tons; and as no such cases used to occur in former years, he thought they might fairly be attributed to our cruisers on the coast of Africa.

Mr. BERNAL wished to distinguish between the general question affecting the slave trade, and the question now before the House as regarded the slave trade in the Persian Gulf. The one stood on a very different basis from the other. He thought it would be very easy for us to close up the Persian Gulf with our marine, and so effectually put a stop to the slave trade; and therefore he considered the Bill, taken on its own merits, deserving of support. At the same time he did not feel himself precluded thereby from taking any course he thought proper on the general question when it came before them.

Question, "That the word 'now' stand part of the Question," put and agreed to.

Main Question put, and agreed to.

Bill read 3° and passed.

POOR RELIEF (IRELAND) BILL.

Order for consideration of Lords' Amendments, read.

Lord J. RUSSELL rose and said: Mr. Speaker, before the House proceeds to take into consideration the proposals I have to make in regard to those important measures of which I have given notice, I should wish the House to have the benefit of a statement of your opinion with respect to the Amendments which the Lords have introduced into this Bill, in as far as they affect the privileges of this House. I will reserve what I have to say on the subject as affecting the several Amendments made by the Lords, and more especially in regard to the omission of Clauses 1 and 2, until the House shall have been favoured with your view on the question of privilege.

Mr. SPEAKER: I know not how I can better answer the question put by the noble Lord than by stating to the House what is the rule which governs the practice of the House with reference to amendments made by the Lords in Bills of this description. The rule is this, that the Lords may amend Bills for the relief of the poor, if the amendment does not in any way amount to an interference with the disposition or collection of the rate to be levied, or with the persons who have the control or management of the rate. This rule has always been strictly adhered to with regard to all private Bills authorising the levying of local rates; but there have been some occasions with reference to public Bills in which the House of Commons has agreed to waive the point, and not insist on an adherence to its privileges. The precedents which have occurred in more recent years are those of the English Poor Law Bill of 1834, the Irish Poor Law Bill of 1833, the Irish Municipal Bill of the same year, and, lastly, the Irish Amended Poor Law Bill of 1847. It is quite obvious that a large number of the Amendments which have been made by the Lords in the present Bill, do most decidedly infringe upon the privileges of this House. The first two clauses of the Bill as it was sent up by this House, proposed a certain maximum amount of rate to be levied, first, upon the electoral divisions, and then upon the unions. By the omission of those two clauses, the Lords have increased the amount of the rates to be imposed; or at any rate have imposed a different amount of rate from that which the Bill, originally sent up to them by the Commons, had declared should be imposed. It will be for the House to say, whether they will follow the precedents in which I have alluded, and waive their privileges on this occasion; or whether they will maintain them. If the House should resolve to adhere to the latter alternative, the Lords' Amendments, of course, must be rejected.

Lord J. RUSSELL: After having had your opinion, Sir, as to the question of privileges, and as to what the House has done in similar instances on former occasions, I will now state the view which I take of this subject, and the mode in which I think it is expedient the House should act while taking into consideration these Amendments. I cannot for a moment differ, Sir, from your statement, that the omission of Clauses 1 and 2—to say nothing of any of the other Amendments—do infringe upon the privileges of this House, as has been most clearly laid down by you. At the same time, Sir, you have stated, both with respect to the English Poor Law and to the Irish Poor Law, that the House of Commons has so far waived its privileges as to allow amendments to be made by the Lords which certainly did infringe upon those privileges. With regard to the first Irish Poor Law Bill in 1838, one of the amendments made by the Lords was the introduction of electoral divisions. The effect of that amendment was, that instead of having an equal rate over the whole union, the rates in different parts of the union were exceedingly various in amount—some parties paying not less than 10*s.* in one part of the union, while others were paying only 6*d.* or 10*d.* in another part of the union; thereby charging particular districts and particular persons—namely, the inhabitants of those districts—very variously, and imposing a greater rate of tax upon some parties than the House of Commons had originally agreed to. With respect to the last poor-law of 1847, hon. Members will recollect that that Bill as it passed this House imposed a rate of 1*s.* 3*d.* in the half-year, or 2*s.* 6*d.* in the year, upon the electoral division, leaving any remaining charges that might be incurred by the electoral division to be defrayed by the whole union. The House of Lords omitted that provision, and introduced other provisions of a totally different nature. In both these cases—as well that of the original Irish Poor Law of 1838, as of the amended Irish Poor Law of 1847—this House consented to discuss the amendments made by the Lords, and they finally consented to the adoption, in the first instance, of the Amendment which was introduced by the Lords; and, in the the second instance, to the omission which had been made by the Lords. In both those instances I imagine that the privileges of the House of Commons were as clearly and as positively affected by the alterations made by the House of Lords, as they are in the case now before us. I do not think, therefore, on the ground of precedent, that we should feel ourselves bound to assert the privileges of the House of Commons on the present occasion. That being so, it is for the House now to consider whether it is advisable with regard to these Amendments that we should assert those privileges. I own it appears to me that, so long as the House of Lords confine themselves to amending the poor-law, with a view to effect better legislation on the subject of a legal provision for the poor, and not for the sake of increasing the amount of rates, or with the especial view of imposing a tax upon the subject, it is not expedient that we should assert our privileges in that respect. With regard to legislation in reference to the condition of the poor, it must be acknowledged by all to be a subject of very great importance, and one concerning which both Houses of Parliament should be entitled to give an opinion. I think legislation is likely to proceed more harmoniously between the two Houses of Parliament if we do not assert our privileges on an occasion of that kind. If we were strictly to assert those privileges, I do not see how any progress could be made in amending the poor-law, either as regards this country or Ireland, because scarcely any amendment can be made by the Lords which would not affect the rate in some degree. For these reasons I shall propose to the House to consider the Amendments of the Lords without regard to the question as to the privileges of the House being in any way affected by them, and without deeming it necessary that those privileges should be asserted so far as the present Amendments are concerned. I believe that the Amendments have been introduced by the House of Lords with a view to amend, in their opinion, the law relating to the poor in Ireland. That, I conceive, to be a subject upon which they are fairly entitled to give an opinion, and respecting which they have a right to propose such amendments as they think would conduce to the better management of the poor in Ireland. Therefore, to bring the question to an issue, I now propose that the House agree to the Lords' Amendments, omitting Clauses 1 and 2 of the Commons' Bill.

Motion made, and Question proposed, "That the Amendments be now read a Second Time."

SIR J. GRAHAM: Sir, I can assure the House, that, upon a question affecting the ancient and undoubted privileges of this representative assembly, I venture to differ with very great regret and diffidence from the noble Lord at the head of the Government. But entertaining, as I do, great doubts upon the matter, and cordially agreeing with you, Sir, in the desire that those ancient and undoubted privileges should be reasonably and justly maintained, I do not think I should discharge my duty if, before the House came to a decision, I failed to express what is my impression with regard to these Amendments. For the sake of discussing them in the most satisfactory manner, it is right to consider the constitutional question altogether apart from the merits of the alterations which the Lords have made in the Bill. But to prove to the House that I am not prejudiced in that respect, and that I am not actuated by a feeling hostile to these Amendments, I beg to remind the House that I, when the Bill was before this House, objected to the maximum clauses, and agreed in substance with the Amendments of the Lords. But to return to the great constitutional question involved in this matter, I will proceed to state what is the apprehension which now weighs upon my mind. I shall begin by adverting to that most important declaration from the Chair, that were it not for a few precedents of recent date, these alterations by the Lords which we are now considering, do interfere with the ancient and undoubted privileges of the Commons' House of Parliament. Without going back to antiquated cases, or referring to the authorities in the pages of *Hatsell* with regard to the unwritten law of Parliament, we have had it stated from the Chair, what none who make it their business to attend to these questions can doubt, that the privilege claimed by the Commons is this—that the Lords may amend any Bill except such clauses as relate to taxation, whether general or local; but with respect to those clauses the Lords cannot interfere, either with regard to the amount of the tax to be levied, or the mode of collecting the tax, or with respect to the persons who shall collect it, or the persons who shall pay the tax, or those who shall receive it. I do not think I have overstated in the least the privilege on which this House in the best times of its history has always insisted. We then come to the consideration of the recent relaxations to which the noble Lord has referred. They are both of recent date, and were limited, if my memory serves me correctly, to the question affecting the levying of poor-rates. The first case was one of considerable importance, but not of direct interference; it was that of the Irish Poor Law of 1838. Incidentally, there certainly was a great change introduced into that Bill on the part of the House of Lords. It chiefly concerned the area of taxation. The Bill, as sent up by the Commons, enacted that the rate should be levied in the unions. The Lords narrowed the area of taxation, and substituted for unions electoral divisions within the unions. Incidentally, therefore, the Lords, *pro tanto*, by narrowing the area, increased the burden upon the ratepayers living within the smaller districts. If I mistake not, a special memorandum was left with you by your predecesor, Sir, with a view to place on record a strong opinion that this was an interference which ought not to be drawn into a precedent. In the year 1847, again dealing with the Irish Poor Law, the same relaxation was made upon the precedent of 1838, and a more direct interference on the part of the House of Lords was submitted to by this House. Still, after giving the utmost effect to these precedents, I contend that the interference of the House of Lords on the present occasion goes infinitely farther than any precedent that has been quoted, or that can be produced. If we admit an interference of so extensive a nature with our privileges with respect to the subject of the poor-rate, the better and more consistent course on the part of this House would be to abandon its privileges directly and for ever, so far as poor-rates are concerned; for, should this interference be now allowed, I do not see how this House can ever hereafter stand up for its privileges, whatever may be the interference on the part of the House of Lords. Just observe — the first two clauses of the Bill which the Commons sent up to the Lords limited the rate at the maximum of 5*s*. on the electoral division; and the rate in aid, when that maximum should be exceeded, which was to be imposed on the union, was limited to 2*s*. So that in no case could the ratepayer in Ireland be compelled by force of law to pay more than 7*s*. in the pound in the year. Now, the Lords have struck out both those limitations, and have left the ratepayer liable to an unlimited amount of rate. The Commons said that the ratepayers should under no circumstances pay more than 7*s*., while the Lords say that no limits whatever shall be assigned. So much for the *quantum* of the rate. But that is not all. The Commons made fresh property subject to the rate; they charged jointures and annuities, as well as other property not now liable, with alleviating the burden on the present ratepayers. The Lords struck out that clause. Thus the Lords have left the present ratepayer liable to an unlimited charge, and, at the same time, have rejected the proposition for bringing in fresh property as the subject of rating, thereby indirectly aggravating the burden of the present charge. They have inserted a clause by which a tenant being in arrear for more than a year, and being unable to pay up his rates, shall be subject to ejectment. This is a clause of a most painful character, and will be viewed by the tenantry of Ireland with the utmost jealousy. The House of Lords have thus inflicted on the tenant a new penalty for nonpayment of the poor-rate, notwithstanding all the covenants and restrictions to which he is already subjected by his lease. But don't let me mislead the House on this point. I am aware that the noble Lord has given notice of his intention to reject that clause. Let us not confuse the question of the merits of these Amendments with the constitutional question which I am at present arguing. I am now fairly stating the extent of the interference of the Lords; and in arguing that question of interference, and in pointing out what are the clauses which affect the privileges of your House, it is necessary that the whole extent of that interference should be brought under your view. I have thus stated to the House what is the extent of that interference. It is for the House to consider, if we waive our privileges with respect to the poor-rate, how are we to take our stand with respect to other local rates? What are we to say with respect to the highway rates, with respect to the county rate, and another topic I will mention—what are we to say with respect to the church rate? May not the House of Lords, if we agree thus to abandon our privileges in respect to poor-rate, frame an enactment with regard to church rates, and send it down to the Commons? As matters now stand, that question is exciting very angry feelings in this country. What would be the only becoming course for this House in such a case to pursue? Our language to the House of Lords ought to be—"We take a preliminary objection to your proceeding; we say this is not your province; you have no right to deal *à priori* with this matter; we stand upon our privilege and reject your measure." But if for the sake of avoiding all angry feeling, we forego that preliminary question, and agree to debate the measure; or, if we give way, and abandon our privilege with respect to the poor-rate, I, for one, reserving my judgment to be corrected by superior information and better lights, am not prepared to say that we could make a stand, founded on reason and precedent, respecting any one of the local rates I have mentioned. But is this subject new to the House? Was not this very question, as to what extent we should waive our privileges in matters concerning local taxation, referred, at the instance of the Government, to a Select Committee in the course of last Session? I see many hon. Members on the opposite benches with whom I had the honour of being associated in that Committee. We investigated the matter with the greatest care, we deliberated upon it, and some very strong arguments were stated on both sides of the question; we went into the Committee predisposed, with a view of consulting the public convenience in regard to a more equal division of labour between the two Houses of Parliament, to recommend a large relaxation of our privileges, and thereby enable the House of Lords to initiate measures affecting local taxation. But after careful consideration, after consulting the highest authorities, and hearing the opinions of the most experienced Members, we came to an unanimous opinion that any such relaxation would be dangerous to our privileges. A very limited relaxation, however, was recommended, and that recommendation was embodied in a Standing Order, which was passed during the present Session. My hon. Friend the Member for the University of Oxford moved as an amendment to that limited Standing Order the following Resolution:—

> "That, in order to facilitate the passing of Bills through Parliament, this House will not insist upon its privileges in respect of any Bills, Clauses, or Amendments which may be brought from the House of Lords whereby tolls, rates, or duties are authorised, imposed, or regulated, provided the same shall be assessed and levied by local authorities, and shall not be applied to the public service."

My hon. Friend thus recorded his opinion; but that opinion being opposed and contrary to the sense of the House, he did not venture to go to a division upon it, and it only stands on our journals as a record that this House deliberately adhered to the recommendation of the Committee, and rejected the extension of the privilege to the House of Lords, as proposed by my hon. Friend the Member for the University of Oxford. Now, Sir, I must ask the House whether they think that this is the precise moment when, with a view to expediency, and to prevent the possibility of needless collision between the two branches of the Legislature, we should be called upon to consent to an enlargement of the powers of the other House of Parliament, or to make any abridgment of our own? I confess, looking at the temper of the times, and at the nature of the many questions pending, and which are likely to become hereafter the subjects of discussion, I am warned by the danger I foresee, and am disposed to take my stand on the safe and sure ground of the ancient and undoubted privileges of this House. I see no reason whatever for departing from them. Are the Amendments of so much importance, even if the considerations I have submitted to you are ill-founded or not of much weight—is there, I say, anything so attractive in the alterations made in the Bill as to induce us, in the case of difficulty, to depart from the exercise of our privileges? I must allude here to some other Amendments. I have only stated part of the interference of the House of Lords. We sent up the Bill with certain clauses, which appear to me of primary importance, giving a remedy in case of accumulated arrears against the *corpus* of the estate, and giving power to sell the estate in small portions, for the recovery of the arrears. All those clauses have been struck out by the House of Lords. Are the noble Lord and the Government so sure of their majority in the other House that if, on this occasion, we waive our privileges, with all the disadvantages of the waiver, they will be able to give effect to their views? Is it not possible that, after all, the Lords may insist upon their Amendments, and by succeeding in insisting on them place this House in the disadvantageous position, after having waived their privileges, of having lost the Bill, in the desire to obtain which they departed from the sure ground of standing upon their undoubted rights? I have really no personal feeling in this matter. In many of the alterations made by the Lords, I agree; but still, in a case of this kind, though I differ from the noble Lord with hesitation and doubt, because I am sure our objects are the same, namely, to uphold in a manner safe and reasonable, and with a view to the future security of the State, the privileges of this House, yet on a matter of this very great importance, and considering the juncture of affairs in which we are called upon to discuss and decide it, I feel that I should have failed in my duty to the House if, before the House came to a decision on it, I had not shortly, but as clearly as I could, stated the reasons why I am disposed, I will not say to resist the Motion of the noble Lord, but to beg of him and the House carefully to consider the question before they come to a final decision.

SIR G. GREY: Sir, there can be no doubt as to the importance of the question to which the right hon. Gentleman has called the attention of the House, with respect to the maintenance of the just and reasonable privileges which the House has always felt it to be its duty to maintain. Without entering at all into the merits of the particular Amendments made in the Bill by the other House, I wish to call the attention of the House to what I conceive to be an important distinction, which was lost sight of by the right hon. Gentleman, between the decision which the Committee upon Public Business came to with respect to the waiver of our privileges on questions relating to local rates, and the course which is proposed in this instance by my noble Friend. It was proposed to the Committee, and afterwards proposed to the House, that once for all we should agree, in all cases of local taxation, to waive the privileges of the House—to surrender those privileges, in fact, by a distinct resolution of the House, founded upon the recommendation of the Committee. I think the decision of this House, on the occasion in which this proposal was brought under their notice by the hon. Baronet the Member for the University of Oxford, was a sound and a wise decision, and that it would have been most unwise and impolitic to have surrendered altogether, by a single resolution, the right which we now maintain, to insist upon our privileges in any case in which we think the public interest demands that they should be insisted upon. The course now pursued by the noble Lord does not in the least degree bind us for the future. No doubt it would have this effect on our future course, that it would add one to the string of precedents with respect to poor-rates in which we have not thought it necessary to insist upon the ancient privileges of the House. The right hon. Gentleman is mistaken in stating that the first instance of our departing from the privileges of the House, was in the case of the Irish Poor Law of 1838. If I understood you right, Sir, I think you said that the first occasion with respect to poor-rates on which our privileges were not insisted upon was when your predecessor, Lord Canterbury, was in the chair, in the case of the English Poor Law of 1834, and that we followed the same course with regard to the original Irish Poor Law in 1838, and the Irish Municipal Bill of the same year, and again in 1847. The real question is whether, looking at these precedents, which are confined to municipal rating and poor-rates, we should now insist upon the privileges of the House by rejecting the consideration of the Lords' Amendments, and revert to the original practice of strictly insisting upon our privileges, even in cases where the subject of the imposition of poor-rates, the collection of the rates, the distribution of the rates, and the area of taxation are so mixed up with the general question of the poor-law, that we can hardly expect the assent of the House of Lords to anything relating to the poor-laws, either of England or Ireland, if we exclude them from the consideration of the questions which necessarily pervade any Bill of this kind, and which constitute the principal element of any change in the law. It is certainly a subject on which the House should act with great caution; but, looking to the course which has been hitherto pursued, and to the necessary connexion of those parts of the Bill which you have said fall within the rule of our privileges with the general question of the poor-law, I submit that we ought not, irrespective of the merits of the Amendments, to refuse to entertain the consideration of the Amendments. I said I would not touch upon the merits of the particular Amendments; but perhaps, after what the right hon. Gentleman has said, the House will permit me just to say that, with respect to the omission of the two first clauses, the Amendment of the Lords, though no doubt a violation of the privileges of this House, does not impose any new rate or new tax upon any party beyond what the existing law imposes. It is not as if in the original Bill there had been a limited rate, and the Lords had made it unlimited. They merely leave the law in the state in which it was. Under these circumstances, and reserving our full rights as regards church rates, county rates, and even poor-rates, when we think insisting on our privileges necessary for the public interest, and not waiving our rights by any general resolution, as we should have waived them if we had adopted the Motion of the hon. Member for the University of Oxford at the beginning of this Session, I trust the House will proceed to the consideration of the Amendments.

MR. F. FRENCH was anxious that the view taken by the right hon. Baronet the Member for Ripon should not be adopted by the House. It was most extraordinary that a stand should at this moment be made upon a question of privilege. When the poor-law was originally introduced in 1838, the Lords made some important Amendments in it, in a manner that, in his opinion, tended to ruin many districts. Why was not a stand then made upon a question of privilege? He hoped the Amendments would be adopted, for their whole scope and object was to check the legislation of that House, which seemed to have proceeded on the principle that Ireland was to be regenerated by every interest connected with it being ruined.

MR. HENLEY said, the objection taken by the right hon. Baronet the Member for Ripon had been left wholly unanswered. The right hon. Gentleman the Home Secretary had only narrowed the question to a very simple issue, whether by continuing the course of precedent they would not be virtually giving up their privileges with regard to poor-rates. In his (Mr. Henley's) opinion any privilege which rested, as this did, upon unbroken usage, must be utterly swept away if they went on, day after day, giving way in the manner proposed by the noble Lord. If the course now proposed was pursued, and if hereafter the Commons attempted to set up their privilege, they would be involved in a discussion with the other House whether the privilege existed or not. They were actually cutting the ground from under them, and as effectually destroying the privilege as if they did so by a specific resolution. There had been an universal dissent from the resolution proposed by the hon. Baronet the Member for the University of Oxford. [Sir G. GREY: That resolution applied to all local rates.] He knew that, and he knew that the right hon. Baronet drew a distinction between poor-rates and other local rates. The House, however, might depend upon it that if they now gave up their privilege upon this question—a question upon which it was most valuable—they would find great difficulty in maintaining it hereafter.

Mr. HUME, having been a Member of the Committee on Public Business, had then refused to give up any of the privileges of the House with respect to taxation. The privilege of taxation belonged exclusively to the House of Commons, and he saw nothing but difficulty and collision in the future, if, in this measure, they consented to yield it up. It was at all times unpleasant and inexpedient for the two Houses of Parliament to come into collision; and it appeared to him that nothing was so likely to avoid it as a steady determined resolution to adhere to their undoubted rights. There ought to be no relaxation unless in the greatest emergency; and, in his opinion, a case had been made out for a waiver on this question. If, therefore, the right hon. Baronet the Member for Ripon took the sense of the House upon the subject, he should, at whatever risk of inconvenience, support him.

Mr. GRATTAN contended that there was nothing beneficial in the Amendments to counterbalance the evil of the privileges of the House being abandoned. The House had already yielded its privilege, without any advantage being thereby gained, in the case of the original Poor Law Bill for Ireland; and if they went on abandoning their rights in order to pass bad measures, they would eventually destroy the country. He suggested that —as this difficulty had arisen—the Bill should be postponed, and that next Session a measure should be introduced really adapted to promote the interests of Ireland, without interfering with the privileges of the House of Commons. If the right hon. Baronet the Member for Ripon divided the House upon the question, he should vote with him.

Mr. J. O'CONNELL said, that in matters of very great importance there might be some plea for the House giving up its privileges; but he did not think that this was a case in which they ought to be yielded. There were already so many precedents in this way that they almost became a general rule.

Mr. EVELYN DENISON said, that if the proposition of the noble Lord went to impugn the resolution of the Committee on Public Business last year, no one would have a greater interest than himself in resisting that proposal. But he did not think that was the effect of it. The Committee recommended that the House should not, by resolution, abandon its undoubted rights and privileges upon questions of local taxation; but they did not go the length of saying that any practical inconvenience had arisen from the occasional waiving of its rights. That House need fear no great encroachment upon its privileges by the House of Lords. But it was said that the harmonious working of the legislative system would be best promoted by insisting upon extreme rights. He doubted that very much. At the same time, if they were to take the course pointed out by the right hon. Baronet the Member for Ripon, they would be drawing the strings much tighter than they had been drawn of late years. Was there any occasion for it? Had any practical inconvenience resulted from the slight concessions which had been made? None, in his opinion; and if the House were called upon for a decision, he should vote with his noble Friend at the head of the Government, believing that the Amendments might be made without inconvenience.

Sir J. GRAHAM said, the hon. Gentleman appeared to have misapprehended him, and, perhaps, therefore, he might be permitted to explain what he intended to suggest. He should suggest that the same course should be taken with this Bill as was taken with a Bill yesterday. In the proceedings of yesterday, he found the following:—"Boroughs Relief Bill; Lords' Amendments to be taken into consideration this day three months." Then there was:—"Boroughs Relief (No. 2) Bill: To relieve boroughs, in certain cases, from contribution to certain descriptions of county expenditure; ordered to be brought in by Mr. Attorney General and Mr. Spooner." And the next was:—"Boroughs Relief (No. 2) Bill: To relieve boroughs, in certain cases, from contribution to certain descriptions of county expenditure; presented, and read a first and second time, and committed; considered in Committee and reported, without amendment; and read a third time and passed." This was the last proceeding in the House yesterday; and it was the example which he would recommend to be followed now.

The ATTORNEY GENERAL said, the Bill referred to by the right hon.

Baronet had been introduced to relieve the borough of Birmingham from certain local taxes, which had to be paid to the county of Warwick. It was originally introduced as a private Bill, but thrown out by the House of Lords, on the ground that it ought to be a public measure; and it had been introduced as a public measure, with certain clauses added, to meet the objections made in the House of Lords. That course, however, could not be taken with the present Bill, because it was proposed to agree to some of the Lords' Amendments, and to disagree with others.

MR. VERNON SMITH thought that if such a course had been adopted with regard to the borough of Birmingham, it ought *à fortiori* to be adopted in the case of Ireland. The arguments of the right hon. Baronet the Member for Ripon were unanswerable, and they had been left unanswered. The right hon. Baronet the Home Secretary said, in effect, that there were a number of precedents for waiving the privileges of that House, and that a number of precedents was not the same as adopting the resolution which was moved by the hon. Baronet the Member for the University of Oxford. But they came to the same thing; and he would ask any experienced Member in that House, whether a series of precedents was not stronger than any resolution? It was against such a series of precedents, all upon the question of poor-rates, that he wished to guard the House; and he contended that the discussion had been most properly raised by the right hon. Baronet the Member for Ripon, to whom the House must feel indebted for the course he had taken.

MR. LABOUCHERE said, the right hon. Baronet had urged the House to take the same course with this measure as they had with a private Bill. [Sir J. GRAHAM: No; a public Bill.] Well, a public Bill. With regard to the merits of the Birmingham Bill, there had been no dispute, and no obstacle raised to its passing through all its stages. But if the same course were taken with the present measure, it must be materially altered; and the alterations would probably give rise to so much discussion that there would be little chance of the Bill passing in the present Session.

MR. SPOONER contended that the Bill was just as liable to be delayed if the Commons waived their privileges, as it was if they resolved to maintain them.

COLONEL DUNNE said, the only valuable parts of the Bill were the Amendments made in it by the Lords—all the rest was a delusion. But even the Lords' Amendments were not an equivalent for a surrender of the privileges of the House; and if there was a division, he should support the right hon. Baronet the Member for Ripon.

SIR DENHAM NORREYS said, he intended to propose that the Lords' Amendments be taken into consideration that day three months; but, before moving it, he wished to know what course the right hon. Baronet the Member for Ripon proposed to take.

SIR J. GRAHAM intimated that he did not intend to divide the House.

SIR DENHAM NORREYS thought the House was greatly indebted to the right hon. Baronet for the manner in which he had brought the question forward; and he rejoiced to think there was still some respect for privileges which used to be so much valued. The late report of the Committee on Strangers was also an instance of the same feeling. The hon. Baronet then entered, at some length, into a review of the Amendments, in the course of which he stated that only five clauses had really been introduced into the Bill by the Government. All the rest were owing to private Members or to the House of Lords. Some of the clauses were inconsistent with each other; and he contended that there was no necessity for immediate legislation. It would be infinitely wiser to postpone it till next Session.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. MONSELL said, he should not enter into a discussion upon the merits of the Bill, or upon the Amendments made in it by the House of Lords. He had not heard, however, any hon. Member say that a rule was to be once and for ever laid down that the House was never to waive its privileges. This being the case, he reminded the House that it was impossible for the House of Lords to make any amendment in the Bill without interfering in some degree with the privileges of the Commons. If, therefore, the House of Commons insisted upon its privileges, the House of Lords must be deprived of all power of considering poor-law measures. For these reasons, he should vote with the noble Lord.

LORD J. RUSSELL said, the hon.

Gentleman the Member for Mallow had entered at some length into the merits of the subject; but he did not feel bound to follow him in that discussion. The question, however, was one of very great importance, whether they should waive or strictly maintain the privileges of that House. He could not himself see that they could take any other course but one of these two—either to admit that the Lords should interfere with their privileges with regard to some of the clauses in the Bill for the amendment of the poor-law, or whether they should give up any chance of legislation upon the subject of the poor-law in Ireland in the present Session. The hon. Baronet the Member for Mallow asked him to consider the question further, and to introduce a Bill upon the subject in the course of the next Session. But if the House was to decide that its privileges were to be strictly maintained, without any departure from them — that was to say, that the course taken in 1838 and 1847 should never again be followed—that they were bad precedents which ought never to have been adopted—he should consider it hopeless to introduce any measure in the next Session of Parliament. If he brought in any Bill, he should not consider that he could introduce clauses in such a manner as not to be open to some amendment on the part of the House of Lords; and he could hardly hope, if the House of Lords made amendments, that they would not be such as would interfere in some way with the privileges of the House of Commons. The House had heard from the Chair, and everybody, he believed, had admitted that it was almost impossible for the Lords to pass a poor-law without interfering with the privileges of that House. There could be hardly one clause in which they would not attack or interfere with the Commons' privileges. The question was, therefore, of great importance, whether the House of Commons should give up the hope of being able to legislate harmoniously with the House of Lords upon the subject of the poor-law. When he said the question was of great importance to the House, he said it was more especially of importance to those who, taking an interest in the present subject, believed that the poor-law of Ireland ought to be amended. He had introduced a maximum clause, thinking it was an amendment, and believing it would tend to make the law work better hereafter; but he had always admitted that the principle was new, and that there were arguments against it of great weight. But, at the same time, he was himself quite satisfied with the present poor-law in Ireland. Let the House, then, understand that, though he thought it was capable of amendment, he did not think any essential amendments in its clauses were so required as to make it necessary for him to introduce a Bill for that purpose, seeing that it would only lead to great waste of time, and renewed conflict with the other House. In conclusion, he wished the House to consider the importance of the question, whether, on this occasion, they should depart from the course taken in 1838 and again in 1847.

Sir J. GRAHAM: Sir, I beg to claim the indulgence of the House for a few moments. The noble Lord has frankly admitted the great importance of the constitutional question, and what I am about to say shall be strictly limited to the discussion of it. I admit most distinctly that it is very difficult on a question of this nature to preserve the harmonious working of the two Legislative Assemblies, and that some concessions should be made, where it is possible to make them without the infraction of great constitutional principles — those principles which have been handed down to us as fixed, and as a special security—a security for that harmonious working. I admit as fully as the noble Lord, or any hon. Gentleman, that a conflict with the other branch of the Legislature is to be avoided. But the question is, how such a conflict is best to be avoided? I believe that reliance on the old constitutional maxims, and the strictest adherence to them, will be found the safest and best way of doing so. I declare to the noble Lord—so strongly am I impressed with this belief—that if, with reference to the public safety and advantage, it was on the whole thought expedient we should waive our privileges with respect to this question of the poor-rate, I would infinitely rather, in the next Session of Parliament, come deliberately to a resolution embodying that waiver, than go on multiplying these precedents. I tell the noble Lord—and I am sure that on reflection he will agree with me—that if we multiply these precedents, it is clear the other branch of the Legislature will avail itself of them when it pleases, and claim the right of dealing, not with the poor-rate only, but with that immense mass of local taxation which is becoming daily of more importance, and which the hon. Member for

Buckinghamshire showed us the other night had increased to the amount of not less than 10,000,000*l.* or 12,000,000*l.* sterling annually. I repeat, that if we multiply these exceptional cases, the House of Lords will claim this interference with local taxation generally as a right. And what will then be the result? Why, that we—the House of Commons—shall be on the defensive, and that it will be necessary to draw a line of distinction between the poor-rate and local taxation—a line which the most acute man in this House (or I am much deceived) will not be able to define. I am decidedly of opinion, therefore, it is safer to come to a specific surrender of a given portion of our privileges—strictly assigning its limits—rather than multiply precedents of this indefinite character. I am far from saying I consent to that surrender. For my own part, I at once declare I doubt its policy. Why, what does the noble Lord at the head of the Government say? He declares that, in his own deliberate opinion, he is well satisfied with the existing poor-law, and thinks it requires no amendment. If this be the noble Lord's opinion, we are about to make the most gratuitous surrender of our privileges that was ever heard of. If the leader of the Executive Government came down to the House, and said great interests were at stake, and it was necessary for the public good to make exceptions in regard to this particular question, I might have been led to make such an exception; but when he tells us that with respect to this particular case, he is entirely satisfied with the present law, and that he has proposed these alterations not so much in conformity with his own judgment as to meet floating opinions here and elsewhere, I cannot hesitate to decide what course I shall take, and at once I say I take my stand on the ancient and undoubted privileges of this House. You, Sir, have stated that you have often private Bills before you affecting our privileges relating to the poor-rate, and that you are bound by the rules and privileges of the House to give precise and exact effect to them, and not to sanction any appeal to the House in the strictest adherence to them. But what will be your position hereafter with respect to our private legislation? Why this—that in matters of minor importance, you shall be bound by those rules and privileges, insisting on the strictest interpretation of them; but that when mighty national interests are at stake, we shall make some unknown insertion on the Journals of our House, and waive our privileges without a contest. If I had doubts when I raised this question, I must say I cannot now hesitate, after the discussion I have heard, and after the statement of the noble Lord, as to what course I should take, and that I shall most decidedly support the Motion of the hon. Baronet the Member for Mallow.

Mr. SHAFTO ADAIR said, that with respect to the constitutional question, he believed that all the Members of the House were united in a universal wish to defend their just privileges; but he also thought that in matters of privilege there was another party whose interests were to be considered, and that was the party on behalf of whom those privileges were exercised. He thought that if the public interests required them to make a waiver of their privileges, they might do so without any injury to their future position; and if any great occasion hereafter arose, such as the right hon. Baronet the Member for Ripon seemed to apprehend, he had no doubt but that Mr. Speaker would, as his predecessors had always done, give timely notice to the House with regard to it. He would, under these circumstances, feel bound to oppose the Amendment.

Mr. GRATTAN said, the noble Lord at the head of the Government had now told the Irish Members, on the 27th of July, after they had been sitting there since the month of February endeavouring to amend the law, that he was quite satisfied with the Irish poor-law as it stood. When he heard that declaration he remarked to an hon. Friend near him, "The noble Lord has cut all our throats." He thought it essential that they should impose taciturnity on the noble Lord. There was once an Irish doctor in that House who was forced to hold his tongue, and who was called the muzzled doctor. They ought to have an English muzzled Lord also in the House. It was too bad that after five months' deliberation they should be met by such a declaration. He found his house on fire; he came there to look for aid, but when he looked round to the quarter from which he was to expect assistance, he found that it was much more likely to come from the ablebodied *pompier* six feet high and three feet broad, than from the Lilliputian occupant of the bench opposite.

Lord J. RUSSELL: The right hon. Baronet the Member for Ripon seems to think that I said I was entirely satisfied with the present state of the Irish poor-law, and that I thought no amendment whatever was required in it. Now, I beg leave to explain what I really did say. I was proposing that the House should go into the consideration of the Amendments in the Poor Law Bill, which have come down from the House of Lords, when the hon. Baronet the Member for Mallow moved his Amendment, stating that he thought it better to defer the subject to another Session, and that this Bill ought to be rejected on the ground of an interference with our privileges on the part of the House of Lords. I stated that, if the course which the hon. Baronet recommended were pursued, we could not introduce a Bill next Session, to which the same objection with regard to privilege would not apply; but I added also that I was so satisfied with the present poor-law, that, although I thought amendments might be usefully introduced in it, yet if the conclusion to which the House came were, that the present law should remain on the Statute-book as it is until next Session, I should not object to such a course.

Mr. HUME would not enter into the merits of the Bill; but respecting the constitutional question, his opinion was this, that, as they were representatives of the nation, and were bound to protect the national interest, it was not for them to yield a right which, from time immemorial, was constitutionally vested in the House of Commons, namely, the right of taxation. The House of Lords might yield, because they acted for themselves; but they—the House of Commons—had no right to give up a privilege which they held from the people, and which had been handed down to them by successive generations. He quite concurred with the right hon. Baronet the Member for Ripon, that it would be much better to come to a resolution to give up their privilege to a certain point; but in their present position he did not see that they were justified in parting with a constitutional right which they held from the people at large. Upon that ground, and without reference to the merits of the Bill itself, he should vote for the Amendment.

Sir L. O'BRIEN looked upon the Bill as consisting of two parts. In one respect it was a Money Bill, but it also contained a great many regulations for improving the working of the Bill. The Bill was not, therefore, strictly speaking, a Money Bill, and he thought the House of Lords had a fair right to amend it. He must, in that view of it, vote against the Amendment.

Sir H. W. BARRON said, that if the principle of the hon. Member for Montrose were to be carried out, that House should not, upon any measure of local taxation, go through the mockery of sending it to the House of Lords. Let that be the understood principle of the constitution if they were to act as that hon. Member required. He should vote against the Amendment.

Sir J. WALMSLEY thanked the right hon. Baronet the Member for Ripon for the opinions he had expressed on this very important question. It had been stated that the two Houses could not work harmoniously unless the House of Commons gave way upon this occasion. But they had already been favoured with strong reasons for not giving way; and if they were obliged to do so, he was satisfied that the opinion of the people out of doors would be this, that if the two Houses could not work harmoniously, one of them must be reformed, and that one was the House of Lords. He trusted, however, that this House would never yield one iota of its privilege of keeping a just and strict control over the taxation of the country.

Sir J. YOUNG wished to observe, with regard to what had fallen from the hon. Gentleman who had just sat down, as to the powers of the House of Lords being considerably on the increase, that the course of legislation for the last century showed that any danger of encroachment on the part of the other House on the privileges of the people was perfectly chimerical. The question to be considered was, whether it was indispensable for this House to maintain power over local taxation—a power so difficult to maintain that it must be frequently waived—or whether they might not safely add another precedent to those that had been cited as already existing, of departure from their privileges. The House should consider, looking to the position of the House of Lords as consisting of great landed proprietors, whether that House was not better qualified to deal with these questions of local taxation than the House of Commons. He considered the line of demarcation between questions of local and general taxation to be so broad, that there could be no danger whatever of its being passed.

Mr. HORSMAN said, the hon. Member who had just resumed his seat, had told them that he could see no harm in adding another to the precedents already existing of departure from the privileges of the

House on such questions; and yet he had added, immediately after, that he thought it better if all questions connected with the poor-law should be handed over exclusively to the House of Lords. The question was, whether the advantage to be gained by concession was worthy of the sacrifice of their privileges. Ho thought there could be no difficulty on this point after the speech which they had heard from the noble Lord at the head of the Government —a speech of which he would only say, that nothing else had been wanting to make up the absurdity of their legislation this Session on the subject of the Irish poor-law. They had commenced their legislation on this subject five months ago, thinking that the law required amendment. A Committee had been appointed, and had been sitting for five months, and yet it now turned out, that whether the law was amended or not, was a matter which made very little difference in the estimation of the Government. As the Bill now stood, it was an entirely different measure from that which they had agreed to. The principle of the Bill had been taken away, and there were only five clauses in the whole Bill to which that House had given their sanction. It was no more their Bill than the noble Lord would be Prime Minister, if he were brought into the House to-morrow without his head. He thought they should stand by their privileges as a separate and independent branch of the Legislature. Every one who considered the subject must see that these were not times when that House ought to give up any of the privileges which they held on behalf of the people. They should certainly not waive any of these privileges unless there were some great object to be gained; but in the present instance the object to be gained was perfectly insignificant, while the precedent sought to be established, of a surrender of their privilege, was a far larger one that any that had as yet taken place. He fully concurred, under these circumstances, in what appeared to be the almost unanimous opinion of the House, that it was not an occasion when they ought to makeso large a sacrifice.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 111; Noes 62: Majority 49.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Aglionby, H. A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Berkeley, hon. Capt.
Birch, Sir T. B.
Blackall, S. W.
Brocklehurst, J.
Brockman, E. D.
Brooke, Lord
Brotherton, J.
Buxton, Sir E. N.
Campbell, hon. W. F.
Clifford, H. M.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Dawson, hon. T. V.
Denison, J. E.
Dickson, S.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, J.
Ferguson, Sir R. A.
Fitzpatrick, rt. hn. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
French, F.
Goddard, A. L.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hallyburton, Ld. J. F. G.
Harris, R.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Howard, Lord E.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lygon, hon. Gen.
M'Cullagh, W. T.
Magan, W. H.
Mangles, R. D.
Marshall, J. G.
Matheson, Col.
Maule, rt. hon. F.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
O'Brien, Sir L.
O'Connell, M. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pinney, W.
Price, Sir R.
Ricardo, O.
Rice, E. R.
Rich, H.
Russell, Lord J.
Scrope, G. P.
Seymour, Sir H.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.
Somerville, rt. hn. Sir W.
Stafford, A.
Taylor, T. E.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Williams, J.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wyvill, M.
Young, Sir J.

TELLERS.
Bellew, R. M.
Hill, Lord M.

List of the NOES.

Adderley, C. B.
Anderson, A.
Baillie, H. J.
Beresford, W.
Bramston, T. W.
Burrell, Sir C. M.
Charteris, hon. F.
Cobbold, J. C.
Coles, H. B.
Colvile, C. R.
Douglas, Sir C. E.
Duncan, G.
Dunne, Col.
Fagan, W.
Fordyce, A. D.
Fox, W J.
Fuller, A. E.
Galway, Visct.
Glyn, G. C.
Graham, rt. hon. Sir J.
Greene, J.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Henley, J. W.
Heywood, J.
Hornby, J.
Horsman, E.
Hotham, Lord
Hume, J.

Jocelyn, Visct.
Jones, Capt.
Keating, R.
Locke, J.
Lockhart, A. E.
Lushington, C.
Meagher, T.
Milner, W. M. E.
Mullings, J. R.
Naas, Lord
Nugent, Sir P.
O'Connell, J.
O'Flaherty, A.
Pakington, Sir J.
Patten, J. W.
Pechell, Capt.
Peel, Col.
Plowden, W. H. C.
Reynolds, J.
Sadleir, J.
Scott, hon. F.
Scully, F.
Sheridan, R. B.
Smith, rt. hon. R. V.
Spooner, R.
Stuart, Lord D.
Stuart, J.
Thompson, G.
Waddington, H. S.
Walmsley, Sir J.
Walpole, S. H.
Willcox, B. M.

TELLERS.
Grattan, H.
Norreys, Sir D. J.

Main Question put, and agreed to.

At a subsequent period of the evening,

Lord J. RUSSELL moved that the House agree to the Lords' Amendments, omitting Clauses 1 and 2 of the Poor Law Amendment Bill. He did not intend to reopen the discussion of the subjects involved in these clauses. One of them was that of a maximum rate. On this subject there had been a great division of opinion in this House, and when the Bill went up to the Lords, they had struck out the clause embodying the principle in question. Under these circumstances, particularly considering the divided and nearly balanced state of feeling in the House with regard to the maximum clause, he thought that the most advisable course for them to adopt would be to agree to the Amendments of the Lords, by whom the clause had been expunged.

Sir DENHAM NORREYS thought that the Bill, as the noble Lord wished them to receive it, contained scarcely one principle worth having. He was afraid that the hopes which had been raised throughout the country would be disappointed. In his opinion it would have been better for the noble Lord to have adhered to the principles with which he started; he believed those principles would have been most beneficial to the country; and the more they were exhibited, the more they would be approved of.

Mr. POULETT SCROPE said, that if the statement turned out to be true, he should regret that the proposition for taking possession of the waste lands of Ireland was not carried into effect, for they might have discovered means at once to have paid off the national debt. As to the maximum rate which it was now proposed to omit, he never was very sanguine as to the effect; on the contrary, in voting for those clauses, he yielded to what he believed to be the superior judgment of gentlemen of practical authority. He wished to know whether, *ex confesso*, in giving up these clauses, they did not leave these western unions in a most deplorable condition, unable to maintain their population. He did not see that the poor-law in the western unions would work relief to that part of the country. He must protest against the Session being allowed to close without the adoption of any measures of an ameliorative character for the west of Ireland.

Colonel DUNNE was much disappointed that Government should have abandoned the maximum clause after it had received the support of nearly all the Irish Members. He did not think that any rate should be allowed to reach confiscation; and seeing that, according to the Earl of Rosse, the local taxation of England was only 2*s*, 3*d*. in the pound, while in Ireland it was 8*s*. 4*d*., he thought that the latter country had been badly used with respect to this Bill. Another objection he had to the poor-law was the expense of its administration. From a return he held in his hand, it appeared that the amount expended in relief was equalled by the expenditure in administration. He again protested against the excision of the maximum clause.

Mr. GRATTAN thought that the House would take it for granted that the Poor Law Bill had totally failed. Mr. Nicholls and Captain Kennedy had given it as their opinion that no measure could do good unless that which gave employment. The Government were mistaken if they thought the Poor Law Bill would give permanent relief; but then they had another resource in emigration. He had never heard that a country was made powerful, great, and rich by exporting its people. He saw but one remedy—he hoped the day would come when the English Members would rise in a body and say to the Irish representatives, "Go home; we are tired of you and your affairs." But right hon. Gentlemen opposite were afraid of that magic word "Repeal;" but there were men who did not yet forget it, and who thought that if anything could save their country, it would be self-legislation. There was no sincerity in the maximum clause, and that was the reason why the noble Lord only set its proper value on it. He thought that the Irish gentry had a right to complain of the mode in which they were treated in regard to the administration of the poor-law, which might be carried out with less than half of the present establishment. The Government had passed measures which had sapped the morals of the people of Ireland—the men had been rendered dishonest, for they had been supported in idleness and negligence, and the females had been driven into the workhouses, where the virtuous were mixed with the abandoned. They would yet want the Irish, when their faithless allies, having swept the last vestige of freedom from other parts of Europe, would attempt the same in England. In Ireland they did not want men with muskets and bayonets, they wanted men with the plough and the sickle. He thought that the noble Lord had much better have abandoned the Bill altogether, and consulted the Irish Members on measures for the good of the country. Let the Government not seek to colonise Connemara, let them send back those Dukes and Marquesses who had run away from their country. They had refused to impose an absentee tax. He thought they would end by granting to Ireland self-legislation. He had seen some clothes made in one of the gaols in Ireland, and if the prisoners there, and the inmates of the unions had been so employed, Government could have clothed 150,000 for 10,000*l*. The 14,000*l*. expended on clothing for the old pensioners who had been called out in this country, would have saved from cold and misery 100,000 of the starving peasantry of Ireland. They ought to illuminate in Ireland next week, not only for the advent of Her Majesty, but for the restoration of the potato; for he differed from some hon. Members on the subject of the potato; and he believed that if the present Ministry were saved, it would be by the intervention of Providence in restoring that root.

MR. F. FRENCH supported the proposition of the noble Lord, and felt that they were under a deep debt of obligation to the Lords for the manly manner in which they had dealt with the clause. He had heard with pain the noble Lord at the head of the Government say that he was content with the poor-law, and that he sought no alteration in the Bill. Did the noble Lord think that he or any other Minister would be able to maintain a law so injurious to the welfare of the country? He told the noble Lord that the Irish Members were prepared to act in a body, and that neither he nor any other Minster would be able to maintain the law.

Motion agreed to.

The Lords' Amendment inserting Clause 5 of the Lords' Bill was agreed to, and the Lords' Amendment inserting Clause 6 of the Lords' Bill was disagreed to.

On Clause 10,

LORD J. RUSSELL moved to agree to the Lords' Amendments, omitting Clause 10, and to insert Clause 10 of Lords' Bill, omitting the word "resident."

SIR H. W. BARRON opposed the omission of the clause. When they were providing for the poor of the country, they had no right to tax only one species of property. The clause, as sent up to the Lords, laid down the principle that charges upon land, so far as they could be got at, should go to the support of the pauperism, as well as the fee and the occupancy of the property. Why should a man who, out of an estate of 5,000*l*. a year, had to pay jointures and other charges to the amount of perhaps 4,000*l*., have to pay rate upon the full 5,000*l*., while he himself only received 1,000*l*., those who held the charges upon the property receiving the income clear from all the various burdens to which the holder of the land was liable. He opposed the Motion.

MR. SADLEIR hoped the hon Baronet would not divide against the noble Lord's Motion. As the clause went up to the other House, it made jointures chargeable in the first place, and annuities and rentcharge in the second place. The effect of imposing poor-rate on jointure would be intolerable; and to impose it on rentcharges and annuities, would be only to add an additional charge upon the land. Many English capitalists had advanced their money on the security of Irish rentcharges and annuities, and the effect of such a law would be to induce them at once to call in the arrears due to them.

MR. STAFFORD moved the omission of the clause altogether.

MR. AGLIONBY wished to know what the opinions of the Irish Members were? He thought that amidst the variety of opinions expressed by the Irish Members, the best plan to pursue was to reject the clause.

Question put, to agree with the Lords in the said clause as amended.

The House divided:—Ayes 60; Noes 25: Majority 35.

SIR G. GREY moved that the Committee disagree to the Lords' Amendments omitting Clauses 16, 17, 18, and 19, which were explained as simplifying proceedings by boards of guardians for the recovery of arrears, and giving powers for regulating the practice in such proceedings.

After a brief conversation, in which Mr. Sadleir, the Attorney General, Colonel Dunne, and Mr. Hamilton took part,

Question put, to disagree with the Lords in the omission of Clauses 16, 17, 18, 19.

The House divided:—Ayes 81; Noes 22: Majority 59.

The Amendments suggested with regard to Clauses 20 and 21 were agreed to.

On Clause 22,

LORD J. RUSSELL moved that the Committee disagree to the Lords' Amendments inserting Clause 22 of Lords' Bill.

MR. HENLEY said, that he could not understand why ratepayers in Ireland should not be entitled to a copy of the ratebook, as in England.

The ATTORNEY GENERAL said, that his hon. Friend was mistaken in supposing that the provisions in this clause had the least analogy to the provisions of the English law. By this clause the parties were not to have a copy of the ratebook, but the amount of the rates which were due. It was the collector's book, not the ratebook.

SIR J. GRAHAM observed, that the clause now under discussion was ancillary to another clause, which gave the landlord a power of ejecting his tenant when more than a year's rates were due. To that clause he had an insuperable objection, and therefore he should vote against the present clause.

The gallery was cleared for a division, but none took place; and the Motion for disagreeing to the Lords' Amendments was agreed to.

On the Motion of Lord J. RUSSELL, the Lords' Amendments in Clause 25 were agreed to.

On Clause 27,

LORD J. RUSSELL then moved that the House should disagree with the Lords' Amendment in the 27th Clause.

SIR H. W. BARRON thought that the clause would considerably facilitate emigration, and that it ought to stand in its present shape.

SIR G. GREY said, that the effect of the clause as it stood would be to encourage collusion, and tend to substitute rates for emigration for rates for the relief of the poor.

MR. AGLIONBY said, he did not see any reason why, when one man owed another man money, the party to whom the debt was owing might not set off any sum which he owed his debtor. Therefore, if a ratepayer advanced 100*l.* on debenture to the parish, and the interest and instalments were not paid as they fell due, it seemed but just that he should set off against the debt owing to him the rates due from him to the parish.

SIR J. GRAHAM said, that in law there was no set-off against a poor-rate. The relief of the poor was in all cases a ready-money transaction.

Motion agreed to.

On the Motion of Lord J. RUSSELL, the Lords' Amendment inserting Clause 29 of the Lords' Bill, was agreed to.

On Clause 30,

LORD J. RUSSELL next proposed to agree to so much of the Lords' Amendment inserting Clause 30 as is contained in the proviso commencing line 10 of page 18, and ending line 31 of the same page, and to disagree to the rest of the clause.

COLONEL DUNNE said, he should divide the House upon the clause.

Amendment proposed, to leave out from the first word "And" to "be it Enacted."

Question put, "That the words proposed to be left out stand part of the Clause."

The House divided:—Ayes 26; Noes 100: Majority 74.

On Clause 31,

Question put, to disagree with the Lords in the said Clause.

The House divided:—Ayes 103; Noes 24: Majority 79.

The Lords' Amendments on Clause 33, being the last on the Paper, were then agreed to.

THE USES OF IRISH PEAT.

The O'GORMAN MAHON said, he wished to call the attention of the House to a valuable discovery which had been made, calculated to develop the resources of Ireland, and to aid in relieving the poverty of the country. The announcement he now made, might at first be listened to with incredulity by hon. Members; but, in support of his statement that a valuable discovery had been made, he would read to the House the following letter he had received from an English chemist:—

"I beg to acquaint you that a discovery has been made in Ireland which will materially enhance the value of landed property in that country. It consists in the aptitude of its millions of peat acres to produce at a trifling expense—little more than that of manual labour—oil, naphtha, naphthaline, muriate of ammonia, candles, pitch, tar, and other principles, by a new process of distillation. These several materials were submitted to me some months ago by Mr. Owen, and, from what I have seen and tested, I have no hesitation in pronouncing it one of the greatest discoveries of the age, and one which will become a source of unbounded wealth. I can easily let you have a list of the several products derivable from th distillation; and you have my permission to give this most important matter whatever publicity you please. Some of the products have been seen by, I believe, the Marquess of Lansdowne and others here; and I know the Irish Court are already cognisant of the discovery.

"JOHN WATERS, M.D.
"South-crescent, Bedford-square."

The most unequivocal testimony, both to the accuracy of the science involved in Mr. Reece's invention, and the facility of its practical application, had been furnished by M. Pellouse, of Paris—in whose laboratory the patentee made his preliminary experiments and perfected his discoveries—whose reputation combined the highest attributes of science with eminent skill in application. Similar testimony had been afforded by Professor Liebig, Dr. Hodges, Professor of Chemistry in the Belfast Institute, and many other eminent chemists, who had been consulted on the subject. Under the sanction of these authorities the capitalists who preliminarily undertook the investigation of Mr. Reece's invention, had, within the last three months, erected experimental works in Ireland on a scale of sufficient magnitude to test its merits. Their success had been complete in obtaining the products enumerated by the patentee, and in verifying the scientific testimony. It appeared that Irish peat was capable of producing oil of a superior quality, equal to spermaceti; and whereas spermaceti oil cost 90*l.* to 95*l.* per tun—the oil from peat could be produced for the sum of 40*l.* per tun. There would be an equal reduction of price in respect to every other article into which peat might be convertible. [The hon. Member here exhibited to the House a candle, which, he said, had been produced from a solid piece of peat, and which, he added, gave a light equal to the finest wax. The candle, which had all the appearance of a waxen one, was handed across the table to the Treasury bench, where it was inspected by the Members of the Government. It was subsequently lighted in the House, and burned very steadily and with great brilliancy.] The hon. Member proceeded to say that he had the guarantee of Mr. Owen, a gentleman who had already established a manufactory in Ireland, having amassed immense property in this country, and on the faith of whose word he would stake his character, that there was no foreign material in that candle, but that it was the produce of a piece of Irish peat. Under these circumstances, he thought he was conferring a great benefit on his country by calling the attention of the House to this matter, as, by so doing, he made known to the empire resources in Ireland which had hitherto been unknown. He trusted that the noble Lord the Member for Bath, who was acquainted with Mr. Owen, would favour the House with his testimony in reference to that gentleman's character.

LORD ASHLEY, having been thus appealed to, would be only too happy to bear his testimony to the high character of Mr. Owen. In fact he would be most unwilling that the name of that gentleman should be mentioned in the House without his (Lord Ashley's) coming forward to give his full testimony that a more discreet, sober, generous, high-minded and religious man than Mr. Owen, it had never been his lot to meet. Mr. Owen was a trader who had long carried on a most extensive business; and a person more capable of undertaking operations such as those at present in question, as well as a person more incapable of making an exaggerated statement in reference to them, did not exist. His hon. Friend the Member for Ennis had given him notice that it was his intention this evening to appeal to him (Lord Ashley) upon the subject; and, accordingly, in order that he might be sure of his ground, he had that morning called upon Mr. Owen to ascertain from him the exact results of his experiments and operations. He would therefore state to the House the facts exactly as they had been stated to him, observing, however incredible these results might appear, that they were yet the fruit of actual experiment, of a course of experiments which had been going on for more than a twelvemonth, in which Mr. Owen had invested considerable capital, and from which he had already reaped considerable returns. The great value of the plan was, that Mr. Owen sought for no recompense or reward from the country. His object was to confer benefit upon Ireland, and to show that there existed in that country a profitable investment for money which had never hitherto been dreamed of. The statement which he had to make to the House was as follows. The extraction of 100 tons of peat in Ireland would cost 8*l.*; the labour of chemically converting it would cost about 8*l.* more; and the product would be the following substances:—

		£	*s.*	*d.*
Carbonate of ammonia, 2,602 lbs.,	value	32	10	2
Soda, 2,118 lbs.	—	8	16	6
Vinegar, 600 lbs.	—	7	10	0
Naphtha, 30 gallons	—	7	10	0
Candles—that was the stuff of which candles were constructed —600 lbs.	—	17	10	0
Camphine oil, 600 lbs.	—	5	0	0
Common oil, 800 lbs.	—	3	6	8
Gas	—	8	0	0
Ashes	—	1	13	0
Total		£91	16	4

It appeared, then, from this calculation, that for 16*l.* expended in raw material and labour—or, take a wide margin, and say 20*l.*, a return of more than 90*l.* would be realised. And these were not mere theoretical results. Mr. Owen had already operated upon hundreds and hundreds of tons of peat, and he was ready to stake his character and his fortune upon the accuracy of his experiments. And the advantage was not confined to the extraction of the substances in question from the peat. When the superincumbent layer of that substance was cleared away, the soil beneath was found to be fruitful beyond all expression, having been for ages absolutely saturated with ammonia. He did not wish, entire as was his confidence in Mr. Owen, that the House should accept the statement which it had just heard without a certain degree of reservation; but if only one-half of the results which he had indicated were to be realised, the effect would be most extraordinary and beneficial; indeed, in such a case, 100,000 acres of Irish bog would be more valuable than all the gold regions of Calfornia.

Subject at an end.

The House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Saturday, July 28, 1849.

MINUTES.] A CONFERENCE. Poor Relief (Ireland) Bill.

PUBLIC BILLS.—2ª Workhouse Loans (Ireland); Slave Trade (Persian Gulf); Boroughs Relief.

Reported.—Nuisances Removal and Diseases Prevention; General Board of Health; Metropolitan Sewers; Turnpike Acts Continuance; Stamp, &c. Allowances; Treasury Instruments; Customs; Consolidated Fund (Appropriation); Defects in Leases Suspension.

3ª Chapels of Ease (Ireland); Poor Law Union Charges Act Amendment; Royal Pavilion (Brighton); Boroughs Relief; New Forest and Waltham Forest; Municipal Coporations (Ireland); Collection of Rates (Dublin); Dublin Improvement; Pilotage; New Zealand Land Conveyances.

Received the Royal Assent.—Consolidated Fund; General and Quarter Sessions Courts Procedure; Turnpike Trust Union; Mutiny and Desertion (India); Attorneys and Solicitors (Ireland); Sites for Schools; Administration of Justice (Vancouver's Island); Turnpike Roads (Ireland); Sewers Acts Amendment; Pupils Protection (Scotland); Militia Ballots Suspension; Commons Inclosure (No. 2); Highway Rates; Excise Benevolent Fund Society; Newgate Gaol (Dublin); Lunatic Asylums (Ireland); House of Lords Costs Taxation; Marriages in Foreign Countries Facilitating; County Rates, &c.; Poor Relief (Cities and Boroughs); Stock in Trade; Advance of Money (Athlone to Galway Railway); Relief of Distress (Ireland) (No. 2); Inland Posts (Colonies); Land Improvement Amendment (Ireland); Labouring Poor Act Amendment (Ireland); Sequestrators Remedies; Indictable Offences (Ireland); Summary Convictions (Ireland); Incumbered Estates (Ireland); House of Commons Offices; Regimental Benefit Societies; Militia Pay; Protection of Women; Trustees Relief; Enlistment (Artillery and Ordnance).

PETITIONS PRESENTED. By the Earl of Carlisle, from Leeds, Stourbridge, and other Places, in favour of the Clergy Relief Bill.—From Huddersfield, for the Suppression of Seduction and Prostitution.—From Liverpool, against the Pilotage Bill.—From Launceston, for the Abolition of Transportation of Convicts to Van Diemen's Land.

VAN DIEMEN'S LAND.

LORD MONTEAGLE called the attention of Parliament to two important petitions which he held in his hand, one signed by many thousands of the colonists of Van Diemen's Land, and the other by the inhabitants of Launceston in that island. The petitioners referred to a petition presented to that House in 1846, in which great complaints were made by the colonists of the enormous numbers of convicts transported to that colony. They stated that the value of land had depreciated in consequence, and that for the maintenance of the convicts a tax amounting to 20*s.* a head was imposed on each colonist. They also complained that the plan suggested for a new colony in North Australia for the reception of convicts had been abandoned; and that, as the burden of maintaining the convict establishments had been thrown upon them, they had to pay 30,000*l.* a year for the support of the gaols. They complained further, that all the expenses for criminal prosecutions were traceable to the convict population, inasmuch as out of 135 convictions, 131 were convictions against persons who were previously convicts. Moreover they complained that the power of employing these convicts on public works for the benefit of the colony had been refused them. They stated also that the introduction of this convict population into the island had had the effect of driving out of it the free colonists, and that in the course of a very few years 4,519 free colonists had felt themselves compelled to leave it. Their calculation was that since the year 1841 12,000 free emigrants had been forced to quit the island; and they insisted that the maintenance of the convicts produced within it all the evils arising from the maintenance of a pauper population. The petitioners prayed that the transportion of convicts to Van Diemen's Land may be abolished; that 12,000 free emigrants may be sent to that colony at the expense of the English Government; that their land fund may be restored, and for the adoption of certain other measures.

Earl GREY observed, that he had but a word to say, which was, that the petition which his noble Friend had just presented was the same in substance with a petition presented in 1847, and that it referred to circumstances which did not exist at present. The petition referred to an interview which he had given to the agent of the petitioners "in September last;" but that interview took place in September, 1846; and the petition was, therefore, obviously of the date of September, 1847. Most of the grievances of which the petitioners then complained had been removed since that time. 24,000*l.* a year had been granted by Parliament in aid of the colony; the land fund had been restored to it, and the convicts had been employed in useful public works. He trusted that when he had laid before their Lordships the papers upon this subject—which he should do before the close of the Session—they would see that the system of task work which had been carried out under the instructions given to Sir W. Denison, had produced very beneficial effects in the colony. A party of convicts, who had been employed in the construction of a port at Hobart Town, had constructed a work which, valued at the ordinary contract prices, would have amounted to the payment of 4*s.* a day for each of the convicts so employed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, July 28, 1849.

Minutes.] New Writ.—For Reading, *v.* Thomas Noon Talfourd, Esq., Puisne Judge of the Court of Common Pleas.

Public Bills.—1° Charitable Bequests; Small Tenements Rating.

Petitions Presented. By Mr. Rumbold, from Great Yarmouth, for the Marriages Bill.—By Captain Boldero, from Chippenham, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Mullings, from the Metropolitan and Provincial Law Association, for an Alteration of the Audit of Railway Accounts Bill.—By Mr. Muntz, from Birmingham, for Recognition of the Hungarian Republic.—By Mr. Lushington, from Westminster, respecting the Construction of Millbank Prison.—By Mr. Cardwell, from Liverpool, for an Alteration of the Pilotage Bill.—By Mr. Aglionby, from Cockermouth, for the Protection of Women Bill.—By Mr. Labouchere, from Taunton, for an Alteration of the Sale of Beer Act.—From Donald Grant, Esq., respecting an Improvement in Ventilation.

PRIVATE BILLS.

Mr. BERNAL wished it to be distinctly understood that it was impossible to know or to be answerable for the contents of such a number of Bills as had come down from the other House since Twelve o'clock, the Amendments in which the House was called upon to agree with before Three o'clock. He alluded more particularly to Railway Bills. In the ensuing Session he trusted some measures would be taken to put a stop to a practice which was utterly repugnant to anything like sound legislation, or to the respect which was due to the House of Commons.

Mr. SPEAKER said, he agreed with the observations which had just fallen from the hon. Member for Rochester. When many Bills came down from the House of Lords at this late period of the Session, but little opportunity was afforded to the House to consider them; but he had looked at the Amendments referred to, and it appeared to him there was nothing in them that interfered with the privileges of the House, or altered, as he understood, the main features of the measure referred to.

Mr. HUME entirely agreed in the observations of his hon. Friend the Member for Rochester as to the propriety of the House altering their mode of proceeding in this respect. When he observed the bustle and hurry which had been exhibited that day with respect to these private Bills, he felt bound to protest against such a mode of legislation. The table was covered with Bills, and he thought it would be better to throw them all out, than pass them in such a way as precluded the House from becoming acquainted with their contents. Some rule ought to be laid down with respect to the period of introducing Bills and proceeding with them. He would ask if such a course of transacting the public business would redound to the dignity of the House?

Mr. FOX MAULE, as a confirmation of what had fallen from his hon. Friend the Member for Rochester, would state a circumstance which had occurred within the last two hours. Among the Bills which had come down from the Lords, and which had been read a third time that morning, was a Railway Bill. His noble Friend the Vice-President of the Board of Trade (Earl Granville) had come down to the other House with the view of introducing into it certain clauses which had been prepared by the Railway Commission; but when he arrived there he found that this Bill had been read a third time and passed, and sent down to that House. The Railway Board would not be able to introduce the Amendments which it proposed unless that House should consider what course should be taken.

Mr. DISRAELI observed, that the whole of the conversation showed that the contemplated prorogation of Parliament was premature, and rendered legislation, according to the admission of a Member of the Government, unworthy of the confidence of that House. As public Bills were of just as much importance as private Bills, he had some time ago proposed that the same rule should be applied to both, and that a day should be fixed beyond which no Bills should be introduced, unless they were mere continuing Bills, or Bills called for by some sufficient public exigency at the time. The truth was, that as soon as Parliament was prorogued for six months, neither the Ministry, from whatever party formed, nor those efficient Gentlemen who worked under them, ever considered public business, but employed the whole of the six months of the vacation in what was called relaxation. They began to prepare their measures only at the moment when Parliament reassembled. He hoped the almost disgraceful scene which had been witnessed in the House during the last few days in connexion with the conduct of business, would induce the House to make some change in this respect.

Subject dropped.

POOR RELIEF (IRELAND) BILL.

Mr. CORNEWALL LEWIS *reported* from the Select Committee appointed to draw up Reasons to be offered to The Lords at a Conference for disagreeing to certain Amendments made by their Lordships to the Poor Relief (Ireland) Bill, that they had drawn up Reasons accordingly, which they had directed him to report to the House.

The said Reasons being read a second time were *agreed to.*

Ordered, That a Conference be desired with The Lords upon the subject matter of the Amendments made by their Lordships to the said Bill; and that Mr. Cornewall Lewis do go to the The Lords, and desire the said Conference.

Subsequently Mr. Cornewall Lewis *reported,* That, having been with The Lords to desire a conference on the subject matter of the Amendments made by their Lordships to the Poor Relief (Ireland) Bill, The Lords do agree to a Conference, and appoint the same forthwith.

Ordered, That the Committee who were appointed to draw up Reasons to be offered to the Lords at a Conference for disagreeing to certain of the said Amendments do manage the Conference: And the names of Mr. Disraeli, Mr. Walpole, Mr. Newdegate, Mr. Wodehouse, and Mr. Reynolds, were added to them.

Then the names of the Managers were called over; and they went to the Conference; and being returned;

Sir G. GREY *reported,* That the Managers had been at the Conference, which was managed on the part of The Lords by the Lord President; and that they had delivered the Reasons for disagreeing to the said Amendments, and had left the Bill and Amendments with their Lordships.

BUSINESS OF THE HOUSE—ADJOURNMENT.

Lord J. RUSSELL rose to move that the House, at its rising, do adjourn till Tuesday next.

Mr. HUME alluded to the way in which the business had lately been pressed on, and said that it could do credit to no one. Why was the House to pass over the Monday?

Mr. AGLIONBY hoped that for the convenience, not only of the House, but of the public, some other plan would be adopted next Session; for the manner in which the business had been conducted for the last month was not at all satisfactory. There was no business for the first three or four months of the sitting—there was nothing but talk. There was a morning sitting at the time Members were attending to the duties which were imposed upon them in Committees. He was certain that for the last month a great number of valuable Members had been unable to attend on a single Bill in a morning. It was putting a dangerous power in the hands of Government to have the business carried on in the morning.

Lord J. RUSSELL: Sir, the evil complained of by my hon. Friend arises, in a great measure, from the manner in which the business is conducted in this House. In the early period of the Session so many notices of Motion are given and discussed, and so many Amendments are moved on going into Committees of Supply, that the time of the House is nearly wholly occupied with them, and it is quite impossible to bring on Bills at a late hour. After Twelve o'clock a very natural objection arises to their consideration. The consequence is, that the Members of the Government, unless in the case of Bills of very great importance, such as the Corn Law or the Navigation Bill, are obliged to postpone the introduction of the Bills belonging to their departments, until a late period of the Session. I entirely agree with my hon. Friend, that it would be better that all Bills should have a full consideration; but had I not taken the course I did adopt—had I consented to a further postponement of our various measures, and not have asked the House to sit at Twelve o'clock, the House would have been sitting late into September, when we could not have expected a more numerous attendance of Members than we have usually had at the early sitting. It is an advantage, and it is so far satisfactory, that we shall not be sitting here in the mornings in August. True, in order to attain so desirable an end, I have been obliged to give up several Bills, some of them of considerable importance; for, although we might have been enabled to pass them by considerable majorities, still, it would not be with that full and satisfactory discussion to which they were entitled. I do not think we could have fairly pressed them at the end of the Session, when not only many Members of the House, but also many of the Members of the other House, were not in attendance; and more so, when I had been informed that many hon. Members were opposed to them. I can only say that, while we have done all in our power as a Government to bring on the business as early as possible, I believe the only and best recipe or specific for early legislation—for legislation at an early period of the Session—is for Members to content themselves with fewer Motions, and allow the Government of a large empire like ours more opportunities of proceeding with the real business of the country. I hope this House will not fulfil the prediction which an old lady made to Horace, that he would not die of poison, nor of fever, nor of gout, nor of many other diseases—(I forget the words of the original)—but that at last he would die of garrulity.

MR. DISRAELI: Sir, the noble Lord seems to plead guilty to the charge of his being the cause of the very unsatisfactory manner in which the business of the Session has been conducted; but at the same time, as he has done upon former occasions, he attempts to affix the greater share of the blame upon the House. Last Session I analysed the state of things which then existed, and then I showed clearly that the whole blame lay with the Government, and not with the House. I believe the accuracy of that statement has never been questioned. But, says the noble Lord, in consequence of the number of notices of Motion given and discussed in the beginning of the Session, and the number of Amendments moved on the Motion for going into Committee of Supply, the public business and the progress of legislation had been necessarily retarded. Now, Sir, I speak only from memory, but I believe I am correct in saying that we had no Committee of Supply moved during the first three months of the Session; and in no former Session have I seen such a general disposition to accelerate the public business—such a general desire to restrict the latitude of debate which the noble Lord seems so much to disapprove of. But the noble Lord must remember that this is a Parliament—that the business of the House is carried on by public discussion—and although it may be inconvenient to the Government, or to any Government, to have discussion, unnecessary discussion it may be according to their ideas, yet I do not suppose that the House or the country would be satisfied with that which the noble Lord evidently wishes on every occasion to recommend. But, Sir, the noble Lord, speaking of this Session, has no case against the House, for during the whole of it he has received as much assistance from Members generally as they could possibly give him. Again I say, speaking only from memory, for I have not looked at the dates, that you had no Amendment moved because you had no Committee of Supply for the first three months of the Session. The fact is, Sir, Bills are not introduced early because they are not prepared—they are never thought of during the recess. If they will only carefully prepare their measures during the recess—if they will bring in some important measures early in the Session, I feel certain that the House will facilitate their progress as much as possible. The House will remember that I called attention to the state of public business on the 1st of July. Since that period the Government have introduced no less than twenty-two Bills, some of them of great importance, and at the same time they introduced systematically the morning sittings. We have sat day and night. I say if you have these morning sittings for the purpose of facilitating the business of the House, the Government are estopped from properly carrying on the business of their departments. Sir, I only rose to vindicate the House from what I believe to be the unjust accusations of the noble Lord—unjust always, but this Session particularly unmerited.

LORD J. RUSSELL had not meant to cast any imputation on the House. On the contrary, he had said on more than one occasion the Government had been assisted by the manner in which the House had acted.

MR. ROEBUCK suggested to the noble Lord, that he should bring in one Bill at a time, and carry it through steadily, and adhere to that measure, and finish it. Now, according to the present practice, at the end of every Session, there was what was called "the sacrifice of the innocents," when more than half the measures of the Government were thrown overboard, and all previous labours were rendered futile.

The CHANCELLOR OF THE EXCHEQUER observed, that the hon. Member for Buckinghamshire was incorrect in stating that there was no Committee of Supply for the first three months of the Session. There was one at the end of February.

Motion agreed to.

CEYLON.

MR. BAILLIE said, that having had the honour of being chairman of the Committee appointed to inquire into the late disturbances in Ceylon, he had been instructed by the Committee to move an humble Address to Her Majesty, praying for inquiry respecting the late insurrection at Ceylon. As the Committee had decided that for the present the evidence taken before them should not be communicated to the House, and under these circumstances as it would be improper that he or any other Member of the Committee should make any observations upon the evidence, he would endeavour to confine the few observations he had to make to a simple statement of the grounds on which the Committee conceived it to be their duty to make this application for the means of further eliciting the truth, and forwarding the inquiry which had been begun before them. He said the Committee had had to contend with various difficulties. These arose, in the first place, from the neglect of the Government of Ceylon to send home that information to the Colonial Office which would very much have facilitated the inquiry, and which they were bound to have sent home according to instructions to that effect from the Secretary of State. He said he alluded to the minutes of the proceedings of the Council of Ceylon, which they were instructed to send to the Colonial Office every six months, but which the Committee had been informed had not been forwarded for the last twelve months. The Committee were therefore debarred from any information in regard to the proceedings of the Council during the disturbances which had occurred in Ceylon. Their difficulties, in the second place, arose from the neglect of the Colonial Office, or of the military authorities out in the colony, who had not sent home any account of the proceedings of the various courts-martial that had been held. He might state that certain allegations of a very grave character had been made against the Governor of Ceylon, the truth of which it was impossible for the Committee to test without witnesses brought from the colony. Under these circumstances, the Committee found themselves in this difficult position, with the Session about to draw to a close, and with certain statements on their evidence which they were unanimously of opinion ought not to be left standing against the character of the Governor, without affording him the opportunity of confuting them. The Committee, therefore, must have adopted a resolution to the effect, that they had not been able to complete their inquiry from the want of witnesses, and that they recommended that the Committee be appointed again next Session, instructions in the meantime being sent out to the law officer in the colony, the Queen's Advocate, to send to England the requisite witnesses for this inquiry. Instead of such a resolution, however, he had been instructed by the Committee to make this Motion to the House. And he might state that, in adopting that resolution, the House would only be following the practice in the courts of justice; because he understood it was usual for the Court of Chancery, in cases where it appeared necessary, to send a commission to India or elsewhere to take that evidence in the cause which could not otherwise be obtained.

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Commission to inquire on the spot into the means taken for the repression of the late insurrection at Ceylon."

Mr. HUME seconded it.

Lord J. RUSSELL was of opinion, that in so far as it concerned the good government of our dependencies, it was a very serious question whether a commission should be appointed to inquire into the conduct of the executive officers at the head of one of those dependencies. It appeared to him that commissions might be appointed, and had been appointed from time to time, to inquire into the state of our colonies, their general administration, and likewise their finances, and to get such information as might enable Parliament to legislate. But an inquiry into the means taken for the suppression of insurrection appeared to him as calculated to weaken and impair the authority of any person exercising the functions of government. He did not see how it was possible for any person to go on conducting the affairs of a colony with a grand inquisitor in that colony collecting all complaints, and taking the evidence of every person who might have any charge to make against him with regard to an insurrection which, like most other insurrections, had not been suppressed without the exercise of force, and the application of those measures of coercion which it was usual and necessary to resort to under such circumstances. There was an insurrection in Canada some years ago, which was put down by Sir J. Colborne, who was rewarded with the highest honours the Crown could bestow. Had they sent out a commission of inquiry into the means taken by Sir J. Colborne to put down that insurrection, his legitimate authority as governor of the colony must have ceased. Again, they had had an insurrection in Ireland last year, which was promptly suppressed by the energetic steps taken by his noble Friend the Lord Lieutenant; but had they afterwards sent over a commission to inquire by what means that insurrection had been put down and suppressed, the authority of the Lord Lieutenant and the Executive of Ireland would have been gone. Therefore, he said, that although it might be perfectly right to appoint a commission to inquire into the affairs of a colony generally, a commission to inquire and take evidence on the spot as to how a governor had conducted himself in putting down an insurrection, would not only be most unjust to him, but also most injurious to the colony itself, as destroying the influence and authority of the Government. He thought, before such a proceeding was taken, the proper course would be, that an impeachment should be directed against the Governor, and the Governor be put on his trial. He did not see that there was any intention of that kind—all that was proposed was, that a commission should be appointed to inquire into the conduct of the Governor, he remaining the Governor all the while the inquiry was going on. Such a course was unprecedented and most improper. The House might have expected that when the Committee called upon it to take a step so extraordinary and so unprecedented, they would give some reasons to show that such a step was necessary; but to do this the evidence should be produced. It was, therefore, that he had asked the hon. Gentleman the Member for Inverness-shire whether he meant to produce the evidence taken before the Committee. It appeared they were not to have this evidence until the House had come to a decision, and they were asked to assent blindly to the course recommended, the Committee refusing them the benefit of the evidence on which that recommendation was founded. The Committee had not given to the House a single word of evidence they had taken. On the contrary, they had by a distinct resolution refused to produce it; and, like the Inquisition in Spain or the Inquisitors of Venice, they condemned in the absence of all evidence. He should have thought, had the originators of the resolution in the Committee considered the proposition a practical one, that they would have given ten days' or a fortnight's notice of their intention to submit it—that they would have summoned all the Members of that Committee together, and said, "We are about to take an extraordinary step—we are about to pass a vote which, if adopted by the House, will paralyse all Government authority in Ceylon. It will most likely be opposed by those who would maintain and uphold such authority, therefore we have called you together to explain to you the reasons why we recommend such a course." No such step, however, as he understood, was taken by the Committee; but, on the contrary, the resolution was proposed and carried without any previous notice. If he was rightly informed in this respect, it appeared to him that the Committee had been led without thought to come to the decision they had arrived at; and he could not but think that if due notice had been given to all the Members that such a proposition was intended to be made, they would probably have come to the decision that the course recommended was inexpedient. It appeared to him, then, that the House could not, in utter ignorance of the evidence given before the Committee, and the reasons which weighed with them in recommending this extraordinary step—but knowing only that the Committee had passed the resolution on a sudden, and without notice —that the House could not adopt the proposal now made to it. The hon. Gentleman said—and the statement was an extraordinary one as a justification for the present Motion — that he understood it was a usual course for the Court of Chancery to appoint commissioners, and send them to India or Ceylon to obtain evidence on questions of title. True, that was the practice of the Court of Chancery; but was there any analogy between a commission appointed by that court on a question of property, and that of a charge made against the governor of a colony? In the case suggested by the hon. Gentleman, it would be a dispute between A and B, both of whom claimed a certain property—no guilt attaching to either—the only question being whether, according to certain title-deeds and other documents, A or B was the party entitled, and the Court of Chancery very properly, in such cases, sent out a commission to inquire into the pedigree of the parties, and other documentary and oral evidence which could not be got at here, in order to see who was the party to whom the property of right belonged. There was no excitement occasioned in Ceylon, or where else the inquiry was conducted, by such a course, and no public inconvenience resulted. But what resemblance was there between that and the placing the governor of a colony on his trial, and paralysing all his authority while that trial was going on? Where was the resemblance between the two cases? Take the case of the governor of any colony: send out a commission to the colony, whose affairs he is administering, to inquire into his acts, and how his authority had been exercised in very difficult circumstances, and you destroyed his authority and his power for the efficient government of the colony altogether. At the same time he quite agreed, if it should be said that the Committee had not been able to complete their inquiries, and that it was desirable further investigation should be made, that either in the present or the next Session the investigation should be prosecuted to its completion. He was informed that his hon. Friend the Under Secretary for the Colonies wanted to ask certain questions as to the course intended, but was prevented, and was told the business of the Committee was at an end; that he could not examine further, as the inquiry was finished for the present Session. If so, who would have expected that, at the close of their proceedings, without notice, a resolution, which in effect was one of censure, as against the Governor of Ceylon, would have been proposed? He must, for the reasons he had stated, and for the sake of the good government of our colonial empire generally, resist the proposition. If, however, the hon. Member for Montrose would come forward next Session in an open and manly manner—as he knew he would do if he felt that the circumstances justified that course — and move for a Select Committee in order to lay on the table of the House articles of impeachment against Lord Torrington, he (Lord J. Russell) would be prepared to meet him; but he could not consent to a commission which would effectually destroy the authority of the Governor of the colony, without being attended with any particular result.

Mr. HUME said, that with regard to the Committee being taken by surprise, the first notice was given for the day when the Committee was summoned for special purposes. Notice was given by Lord Hotham that he intended to propose the resolution in question; but another notice was issued by the clerk, in which, by mistake, that resolution was not referred to. The Committee, however, were specially summoned. [Mr. Hawes: No; it was the ordinary summons.] The summons was a special one. Notice of a resolution was given on which the Committee were to meet, and the clerk was directed to insert it in the circular, but, by mistake, he omitted to do so; but the Committee were summoned for other purposes, and they were all there. [Mr. Hawes: No!] He admitted that there were three Members absent—Sir R. Peel, Mr. Gladstone, and Mr. Adderley — who were out of town at the time. [Mr. Hawes: There were four absent.] He understood there were four

Members absent. But, now, what were the circumstances of the case? The noble Lord said that the granting this inquiry would paralyse the functions of the Governor; and that if he (Mr. Hume) would allow things to remain as they were, and next Session bring forward articles of impeachment against Lord Torrington, that would be a manly and straightforward course of proceeding. He could only say that if the evidence now wanting were collected, and it should warrant such a step, if no other person would bring forward such a proposition, he would do so. He was, therefore, anxious for a full and fair inquiry, and that where the necessary evidence could alone be obtained—that was on the spot—there they should endeavour to obtain it. They had not the necessary information at present; for it had been, he would not say purposely, withheld from them; but the charge made against the Governor of the Island was so serious, as shown by the incomplete evidence they had, that the Committee feared to publish it. He had moved that the evidence should be laid before the House, to enable them to judge as to the propriety of the present Motion; but out of ten Members present, when that resolution was moved, not one besides himself voted for it. And why? Because the charges contained in that evidence were of so grave a nature—amounting in fact, to a capital offence—that they did not wish by publishing it in an incomplete state to prejudge the case. But they thought the cause of justice would be better served by a commission proceeding at once to the Island, and there collecting all the information relating to the subject on the spot. The object for which the Committee was appointed, was to inquire into the grievances complained of by the people of Ceylon. And what were those grievances? The inhabitants complained that they had been unjustly oppressed by the Governor, who, they alleged, had exceeded the constitutional functions of the governor of a colony. If the Earl of Clarendon had done in Ireland what the evidence, so far as it went, proved Lord Torrington to have done in Ceylon—if 35 courts-martial had been held by his orders, and 18 persons had been convicted and shot to death, and many others transported for life, or imprisoned under the sentence of those courts-martial—and if, as the evidence went to prove, that these acts—

MR. BAILLIE must object to the hon. Member for Montrose giving the substance of evidence not yet laid on the table.

MR. HUME would then state what was not in the evidence. They knew that the Governor of Ceylon was directed by the Sovereign to send once every six months the proceedings of the executive and legislative councils: they had evidence in the statement of his hon. Friend the Under Secretary for the Colonies to show that the proceedings up to December, 1848, which would have given them the official information of the origin, cause, and grounds for establishing martial law, had not been forwarded. None of the proceedings of the Legislature and the Government had been forwarded, and therefore they were in ignorance of the form and manner of the steps which Lord Torrington had taken. Here, then, was a clear breach of the Sovereign's instruction. This also they knew without having recourse to the evidence taken by the Committee — that 35 courts-martial had been held, and that neither in the Colonial Office nor in the War Office were there any accounts of the manner in which those tribunals had been constituted, or of their proceedings. They knew not the number of officers of which they consisted. All they did know was that no official record of their proceedings had been sent to England. And yet Earl Grey had given his unqualified approval of all these acts. He (Mr. Hume), on behalf of Her Majesty's subjects generally, said where martial law superseded and set aside the law of the land, as it had done in Ceylon, and the Governor failed in his duty to send home the information which he was directed by the Queen to send, and especially the information as to all the proceedings connected with the courts-martial, which ought to have been sent before those proceedings were sanctioned and approved, the House was bound, not only to institute an inquiry, but to pursue the investigation to the end. In this case a full and fair inquiry was absolutely necessary, not only for the sake of the colonists, who complained that their rights as subjects of Her Majesty had been invaded, but in justice to the Governor, whose conduct was called in question. The evidence before the Committee proved that Lord Torrington had exceeded his legitimate functions. [MR. HAWES: Order, order!] I say yes, we have evidence to prove it. [MR. HAWES:

No, no!] You may deny it, as you deny everything. ["Order, order!"]

Mr. SPEAKER: If the evidence has not been reported, it is clearly out of order to allude to it.

Mr. HUME had alluded to the evidence, but had not quoted from it. The hon. Member the Under Secretary denied his (Mr. Hume's) allegation. But the hon. Member was not warranted in denying an allegation which could be proved. [Mr. Hawes: I am quite ready to meet your allegations.] Well, then, meet them now. But with the evidence they had of the sacrifice of life which had occurred, the promulgation of orders which had been issued, and the exercise of powers unknown in any part of the dominions of the Queen, except in Ceylon—when they had evidence of the property of innocent persons having been confiscated and sold at a great sacrifice, and the only satisfaction afterwards accorded to them being the promise of the return of the proceeds of the sale—with the knowledge they had of the sacrifice of life and property which had resulted from the conduct of the Governor of that colony, it behoved that House, for the protection of the lives and properties of Her Majesty's subjects in all her dependencies, that a full explanation should be had. In the absence of the proceedings of the Legislative and Executive Councils, and in the absence of all official details of Lord Torrington's proceedings, except as to one court-martial, the Committee had not the information necessary to enable them to conclude their inquiry. All they knew was, that a number of lives had been sacrificed; and, in his opinion, they had taken a proper course in advising a commission to proceed to the spot to carry out the investigation, and ascertain the real facts, in order to enable the House to form a judgment as to the merits of the case. He knew of no other mode by which justice could be done; and if the noble Lord meant, by refusing this Motion, to say that everything should be done to screen any governor of a colony charged with improper conduct, and that means should not be afforded to those who were complaining of injustice, to establish their case—if that was to be the principle on which our colonies were to be governed, the dissatisfaction would not be confined to Ceylon, but would extend to all. This resolution was perfectly in concurrence with the wishes of the inhabitants of the colony, who asked for a commission to inquire into the grievances which they alleged they were suffering. What he had now stated was not from the evidence, but from the blue book on the table; and he contended that, independent of the evidence taken before the Committee altogether, there was ample ground in the information before the House to warrant the passing of the Motion before them.

Mr. VERNON SMITH, not having been a Member of the Committee, and knowing nothing of the evidence produced before it, appealed to the House whether they could, in the absence of that evidence, come to a vote such as that now proposed? The hon. Member for Inverness-shire, who had made the Motion, had not entered into any reasons for asking the House to assent to it, for he knew that he could not do so without referring to evidence which, as not having been reported, it would be contrary to rule to allude to. The hon. Gentleman who spoke last, had, notwithstanding that salutary rule, alluded to the evidence, and had most properly been called to order by the Speaker for doing so. But the hon. Member had not thought fit to press his Motion for the production of the evidence, probably out of kindness to the noble Lord at the head of the Government, who he knew had that day other fish to fry. There could be no doubt that the passing of this Motion would in effect be a censure on Lord Torrington; and, for one, he would never consent to brand with censure the governor of a colony, unless upon the most satisfactory and conclusive evidence. It was impossible for any governor to maintain his position in times of difficulty without incurring considerable obloquy. He had not, however, risen to defend the conduct of Lord Torrington; and if sufficient grounds should be shown in the ensuing Session to justify his impeachment, he did not mean to say that he would not vote for such a step. But at present—in the absence of all evidence—he knew of no grounds to justify the condemnation of Lord Torrington, which the appointment of the commission proposed would in effect be. It was true that the appointment of a Committee of that House to inquire into the proceedings of the governor of a colony, might, to a certain extent, impair his power, and operate as a censure upon him; but a commission on the spot to investigate his conduct would do away with his authority altogether from the very moment they landed. The Motion was certainly in words—"to appoint a commission to inquire into the means which had been taken for repressing the late insurrection." But who took those means? The Governor. It was, therefore, into his conduct that the commissioners were to inquire, and the very moment they left the English shore to proceed to their duties, a direct censure would have been cast on that functionary. If it were necessary to institute such an inquiry, the proper course would be first to recall the Governor, for the inquiry itself was far worse than a recall; it was a brand upon him. He knew not why his hon. Friend the Member for Montrose had given way to the hon. Member for Inverness-shire, for his hon. Friend's Motion for the production of the evidence was the proper one. If they had that evidence, there might probably be in it sufficient grounds for this resolution; but without evidence of any kind it appeared to him that the House had but one course to pursue—that was to reject it.

Mr. DISRAELI would not detain the House more than a few moments, and should not have risen to address them at all, had not the right hon. Gentleman who had just spoken much misrepresented the true state of the case. The ground of the right hon. Gentleman's argument against the Motion was founded on the fact that the evidence taken before the Committee had not been printed and circulated amongst Members; and the resolution of the Committee had been described by the noble Lord at the head of the Government, as an inquisitorial act, and as indicating a partial and persecuting spirit on the part of those who brought it forward. Now, without entering into the secrets of the Committee-room, or the conduct of the Governor of Ceylon, he thought it right to place before the House all that he was justified in stating as to the proceedings of the Committee with respect to the evidence not having been printed. There was a Motion made in the Committee, by the hon. Member for Montrose to print the evidence. That Motion was resisted, because it was said the evidence was imperfect, and, as it stood, conveyed a *primâ facie* case—[Mr. Hawes dissented]—against the Governor; and it would therefore be unfair that the evidence in that condition should be circulated without further investigation. In consequence of that there was an unanimous decision—unanimous with the exception of the hon. Member for Montrose—that the evidence should not be printed and circulated to the House. He was not asking the House to decide on the wisdom or inexpediency of that decision; he did not even defend it, though he had voted in the majority. But when the absence of the evidence was the only argument advanced against the Motion, and when the conduct of the Committee was described as of an inquisitorial character, and as being worthy of the Inquisition, he deemed it right to say that the withholding the evidence was a weakness on the part of the Committee—an amiable weakness—and was adopted in accordance with the wish of the Government, and with a view not to prejudge an absent man. The case was simple; and the right hon. Gentleman's whole argument and the noble Lord's argument amounted to this: that the moment you began to inquire into the conduct of the governor of a colony, his legitimate influence was destroyed. That was equally an argument against the appointment of a Committee of the House of Commons; and if that was the opinion of the Government, they ought not to have consented to such a Committee. But the Government assented to the Committee; and the moment they did so, and appointed a Committee of the House of Commons to inquire into the insurrection in Ceylon, and the conduct of the Governor in suppressing it, they destroyed the legitimate influence of the Governor as effectually as though they had appointed a commission; and any argument against further inquiry, therefore, was futile, if based only on the ground taken by the right hon. Gentleman the Member for Northampton. Well, the Committee had commenced their investigation into the alleged grievances of the people of Ceylon; and now when Parliament was about to be prorogued; they found that they had not been able to conclude their inquiry, and that they suffered great inconvenience for want of information. Without giving any opinion as to the conduct of any individual, the Committee found that the gravity of the circumstances elicited in the inquiry, was such that it was impossible their investigation could remain in abeyance during the ensuing six months; and the only means of prosecuting it satisfactorily and efficiently, was to come to a vote that a commission should be sent out to continue and prosecute the investigation on the spot. He was told that that was a precipitate and partial resolution; but let them look to the circumstances under which it had been passed. In the first place fair notice was given. ["No, no!"] The fairness of the notice was proved by the fact that every Member of the Committee who was in London at the time attended on that day. True, four were absent, and of these four one who had subsequently been in the House of Commons had stated that if occasion had offered, as was expected yesterday, he was prepared to say that he adhered to the resolution which had been come to by the majority of the Committee. Look at the materials of which that majority was composed. Were they men of the same political party? Why, every grade in the House was represented in that majority —every shadow of political opinion. With regard to himself, he had taken no violent part in the Committee; for he suggested a middle course — a compromise — to the Government which he still thought they were not wise in refusing. They must, however, take the consequence of not assenting to that compromise, namely, that a principle must now be asserted without any qualification. The question simply was, would the House of Commons support their Committee, who had conducted, with strict impartiality, a protracted and painstaking investigation? That was the question now to be decided. The whole argument that they would be destroying the legitimate influence of the Governor by consenting to this Motion, fell to the ground; for that influence was struck at by the Ministers themselves when they assented to the inquiry by a Committee. All they had to do was to ensure a complete investigation into some of the most important circumstances that had ever transpired in a British colony. That was the real question. They lived at a time when they heard a great deal about colonial reform, and when great sympathy with colonial provinces was expressed. Here was an opportunity to show that in the metropolitan Legislature there was a disposition to come forward and do justice to our fellow-subjects in the colonies. Here was a golden opportunity to test the sincerity of these assertions. He gave no opinion on the merits of the case. If the noble Lord at the head of the Government turned round and said, by assenting to the Motion for investigation, they were condemning the conduct of the Governor, his (Mr. Disraeli's) reply was that they had already done that by assenting to the Committee of the House of Commons, to which the noble Lord himself had been a party. He gave no further opinion on the conduct of Lord Torrington by assenting to this commission, nor did any other hon. Gentleman who should vote for it, than he had already done by assenting to the Committee of the House of Commons. The question was, should they act on the recommendation of the Committee, and complete this inquiry? That was the point they had to decide, and the only point; and he trusted, for the sake of colonial justice, and the efficient conduct and character of Committees of that House, that they would support the Motion of his hon. Friend the Member for Inverness-shire, which, by the desire of the Committee, he had been obliged to bring forward.

Mr. VILLIERS thought his right hon. Friend the Member for Northampton must be satisfied that his observations were uncalled for and unjust, for he had reflected upon the Committee without knowing its proceedings, and imputed objects to them for which he had no grounds, and for which no one had afforded him any reason. He (Mr. Villiers) begged to say there was no intention on the part of the Committee of impugning the conduct of Lord Torrington, or of embarrassing the Government by the vote which had been arrived at. Nor, indeed, was such the necessary consequence of it. Far from it. The vote had been arrived at really upon the ground of justice to Lord Torrington. The Committee voted for demanding further information, instead of publishing the evidence as it stood, without that further information. That alone was the spirit in which the Motion was proposed and carried—that further information was desired. The statements were very conflicting, and the Committee felt it would not be fair to allow serious imputations upon the Governor of an important colony to go forth without being assured of further information. Ultimately the present Motion was carried, because, he was sorry to say, his hon. Friend the Under Secretary for the Colonies would not assent to any compromise. If he had, this Motion would not have been made. The Motion to which the hon. Gentleman the Member for Buckinghamshire had referred in his observations was, that the Committee should ask leave to sit again next Session, and that the Secretary of State for the Colonies should be communicated with stating the desire for further information. That was proposed by the hon. Member; and he (Mr. Villiers was instrumental in inducing the hon. Member to strike out of it some severe words. But even to that his hon. Friend would not assent. He (Mr. Villiers) then asked him to assure the Committee that further information should be procured; but he could get no assurance of the kind from him. And then when the noble Lord the Member for the East Riding proposed that a commission should be moved for, and it was carried, it was only with the view of obtaining further information. He (Mr. Villiers) assured the House, that when the evidence was published, they would see that in justice to Lord Torrington, it was desirable that a commission should go out. His own impressions were not unfavourable towards Lord Torrington; indeed, they were less unfavourable as the inquiry had proceeded, than when he first entered the Committee, for he saw the difficulties in which the noble Lord was placed, and the great embarrassments he was under, and he had also read the instructions he had received. The noble Lord was placed, as the House would find, in a most difficult and delicate position; and he could not deny that he had received some confirmation from the authorities in the island of what he had done. Within the last two days certain persons had been called, who had thrown great light upon the state of the island; their statements had been laid before the Committee, and they were found to be of great importance. He believed that before those witnesses gave their testimony, the Committee would not have been disinclined to publish the evidence; but after it had been given, the Committee thought it right to call for further inquiry before consenting to publish it.

SIR J. W. HOGG thought, as a Member of the Committee, that nothing could be more inexpedient and unjust than to consent to the appointment of the commission. The House would naturally expect that the recommendation to pursue an inquiry at Ceylon into the conduct of the Governor, would be supported, at all events, by a large majority of the Members of the Committee. But what were the facts? The Committee consisted of fifteen Members. Four of these, Sir R. Peel, Mr. Stuart Wortley, Mr. Gladstone, and Mr. Adderley, were absent at the time the recommendation was agreed to. The noble Lord the Member for the East Riding having intimated his intention to submit the recommendation on a particular day, it was naturally to be expected that that intimation would have been inserted in the notices sent out to all the Members of the Committee; but it was omitted in the notices, and of that omission his Lordship had very properly complained. Five Members voted for the commission, and five others voted against it, and eventually the Motion was carried by the casting vote of the chairman. It was exceedingly important for the House to bear these facts in mind. The House had a right to expect that in a matter of this nature the resolution appointing the commission should state specifically what the charges against the Governor consisted of. Besides, any Motion which should have the effect of paralysing a governor, was one which a Committee were not justified in recommending, because, if the misconduct of a governor had been such as to justify the issuing of a commission, he ought to be recalled. The House had heard of roving commissions; but what was the one now proposed? Was this a roving commission to obtain evidence? It was not. It was a roving commission to ferret out charges, because there was nothing in the report of the Committee to acquaint the House with the nature of the charges against the Governor. He hoped, therefore, that the House would not listen to the application. It had been complained in the course of the discussion that the evidence had not been printed. There were nine to one in the Committee against the printing of it, and he had voted with the majority on that subject. He had proposed that the Committee should reassemble next Session, and that a communication should be made to the Secretary for the Colonies to afford them further information relative to the pending matters. He objected to the publication of the evidence in the interim, although he did not believe that as yet a *primâ facie* case even had been made out against Lord Torrington. He was of opinion that unless protection were granted to governors, who were discharging their duty abroad under difficult and trying circumstances, we should not, and we deserved not, to be well served.

LORD HOTHAM was desirous of placing beyond all dispute the question of notice or no notice of his intention to bring the Motion for a Commission before the Committee. When the Committee met on Tuesday last, two letters of a very important character were read. The importance of them was deemed by the Committee to be so great that they refused to allow them to be published with their ordinary Minutes. After that refusal, the hon. Gentleman the Under Secretary for the Colonies applied to the Committee for copies of the letters, in order that they might be submitted to the noble Earl at the head of the Colonial Department. Several hon. Gentlemen objected upon the score that it was not the business of the Committee to grant letters to the Chief Colonial Secretary which they refused to print with their Minutes. It was stated in reply, by the hon. Gentleman the Under Secretary for the colonies, that it would be a great hardship if the noble Earl at the head of the department was not to be made aware of what had taken place. He (Lord Hotham) said, that although he decidedly objected to granting copies, to show that his objection did not depend upon any wish that the noble Earl should not know their contents, he would pledge himself to move an instruction for an Address to the Crown similar to the present Motion, and that if that were carried, the letters should be given to the noble Earl. At the close of the day's proceedings, however, the hon. Under Secretary gave notice, that, on the next meeting, he should formally move that the letters be transmitted to Earl Grey. On hearing the hon. Gentleman say that, he (Lord Hotham) begged to be informed whether it was absolutely necessary that a notice of what was to be done should be entered upon the summons sent to each Member. Some said it was, others said it was not; but he stated distinctly to the clerk, that if the notice of the hon. Gentleman the Colonial Under Secretary was inserted in the summons, his notice must be put there likewise. Was it possible for him to have taken more pains to secure its insertion? But when he found it did not appear, he was early in his attendance at the next meeting of the Committee, and the first words he spoke to the clerk were, "Mr. Whittam, you have done me an injustice, for you have given the notice of the Under Secretary for the Colonies in the summons, but you have omitted mine." Mr. Whittam knew well that he (Lord Hotham) had given the notice; he expressed his regret for the omission, and there the matter ended. No doubt, therefore, his notice was not upon the summons; but he had not heard of any one Member having been kept away from the Committee in consequence of it. The four Members referred to by the hon. Baronet the Member for Honiton had been absent for six, five, and four days previous to the meeting; and it was pretty well known that they had left town for the remainder of the Session. He trusted that these explanations would show that no surprise had been intended, and that none had been practised. He concurred almost entirely in everything that had fallen from the hon. Member for Wolverhampton. The hon. Gentleman had stated that his impression was less unfavourable towards Lord Torrington than it was when the inquiry began. He (Lord Hotham) entered upon it without any unfavourable impression whatever towards Lord Torrington, and with no other feeling than a desire to do his duty honestly. Personal feeling he had none. He found himself, then, upon the Committee, placed in this peculiar situation, that it was impossible to fulfil the duty imposed upon him without having further information than the Committee had been able to obtain. The Colonial Office, represented by the hon. Under Secretary, professed a readiness to give the Committee all the information at their disposal; but upon several points, which appeared to him most material to the inquiry, affecting the character of the Governor and other individuals, no information was given. Was it, then, right that the Committee should separate without either giving an opinion on the subject referred to them, or prosecuting their inquiries to the full? When he made the proposition from which the present Motion proceeded, he stated that his only object was, that information should be elicited, and it appeared to him that inquiry upon the spot would be best; but that if it were thought investigation at home would be preferable, he was ready to agree to that course, or to any other which would place in a proper light the conduct of the individuals into which they were inquiring. He was deeply sensible of the importance of giving the Governor of a distant colony every support under the difficulties which, in troublesome times, he had to encounter; but was it not essential to show that Lord Torrington did not deserve what had been said of his conduct? Was the matter to stand over, or the Committee to be content with the assurance of the hon. Under Secretary, that Earl Grey was perfectly satisfied with all that had taken place? He believed that Earl Grey had no more information to give; but he must ask if it were not extraordinary that upon points of such a nature no more information had been received from Ceylon? Under the pressure of this difficulty, the only alternative presented to the Committee was the proposition which was now made to the House. As to the suggestion of the hon. Baronet the Member for Honiton, that Lord Torrington should be recalled, the hon. Baronet would be the first to turn round upon it and say, "What! would you recall the Governor of a colony before you have heard all the evidence?" He considered that they were the worst friends of Lord Torrington, who, when accusations were made, did not afford the earliest, the best, and the fullest means of placing his character, if it had been maligned, in the point of view which it deserved.

Sir J. GRAHAM was quite sure it was the wish of the House that this discussion should be brought to a close as soon as it could be, consistently with justice. The House would remember that they were sitting in a judicial capacity upon the character of a nobleman performing high functions in a distant colony, a nobleman representing the Sovereign, and conducting the affairs of the country. He was, therefore, certain that there could be nothing of party or of personal feeling in the matter now before the House. Their wish could only be that the strictest justice should be done in a manner the least conducive to the excitement of heated or angry feelings. He knew nothing of the question except what he had heard in the course of this discussion. But after the speeches of his hon. Friends the Members for Wolverhampton and Honiton, he had formed a strong opinion as to what the justice of the case demanded. He thought the opinion of the Committee, in the proportion of nine to one, that it would not be consistent with justice to publish the evidence, quite binding upon the judgment of the House. He was also of opinion, after what he had heard, that it was not possible the inquiry could close as the matter now stood. Admitting these two facts, in which the House appeared to him to concur generally, he must be permitted to state that in his opinion the hon. Gentleman the Under Secretary for the Colonies had not in the Committee exercised a wise discretion in rejecting the alternative of a compromise. [Mr. Hawes: I did not.] He had understood the hon. Members for Buckinghamshire and Wolverhampton to say the hon. Gentleman was not willing to accede to any arrangement—that if there was a pledge given on the part of the Government that the Committee should reassemble next Session, to proceed with the inquiry, and that steps should in the meantime be taken to obtain from the colony such information as the Committee might require, on communication with the Secretary of State, otherwise this Motion would then not have been pressed in the Committee, or brought before the House. Under the circumstances in which the House was now discussing the question, he must say that the carrying of the Motion for the appointment of a commission of inquiry would produce one of two consequences. Either the moment the commission arrived in Ceylon civil government under Lord Torrington would be impossible, and confusion would necessarily ensue, or the Government, to avoid that, would be driven into recalling the noble Lord immediately, the inquiry affecting his honour and character being admitted to be incomplete, and thus a deep and most cruel injury would be inflicted upon him. He, therefore, could not support the Motion now before the House; and, indeed, he did not think that his hon. Friend would press it, if the noble Lord at the head of the Government would give the House an assurance, on the part of the Government, that at the commencement of the next Session he would consent to the reappointment of the Committee, for the purpose of pursuing the inquiry. In that case the Committee could meet on Monday, and communicate, through their chairman, with the Secretary of State for the Colonies, both with respect to papers and to additional witnesses that they would think necessary, when the Committee met again at the commencement of next Session. He was bound to say that in the exercise of the best judgment he was able to form on a dispassionate view of the whole case, this course appeared to him to be the most advisable one to take.

Lord J. RUSSELL: When the hon. Gentleman the Member for Inverness-shire made his Motion, I said, if I recollect rightly, that if the evidence before the Committee be incomplete, as the hon. Gentleman says it is, and if the inquiry be not carried to the full extent that it ought to be carried, then let the evidence be completed, and let the inquiry be fully carried out. And I certainly meant to convey that the only way which I think that could be done, would be by the reappointment of the Committee at the commencement of next Session, and by its being then enabled to have before it such witnesses as could give further evidence on the subject. I certainly said very clearly at the commencement of the discussion, that there might be witnesses who could not have been brought from Ceylon in time for the Committee this year, and that there might be time to procure their attendance before next Session.

MR. HAWES thought it necessary to say just one word in explanation. With regard to the meeting of the Committee to which allusion had been made, it was right to mention that no notice had been given of it. [*Cries of* "No, no!"] He begged to state distinctly that in the circular no notice was given, and that he did not expect the Motion would have been made. He had understood the noble Lord the Member for the East Riding to say that he, or somebody else, would make the Motion, but not seeing it in the circular or in the summons, he did not expect it to be made that day. He had then moved as an Amendment that the Committee do adjourn, and that notice be given on the subject; but, in consequence of their being so near the end of the Session, the noble Lord voted against his proposition. He then asked for time to consult with his noble Friend the Secretary of State on the suggestions that had been thrown out, but even that was not conceded to him.

MR. BAILLIE said, the reason the Committee did not agree to the Motion of the adjournment was, that it was understood at the time that the House should adjourn over from Friday evening until Tuesday. Out of the four Members of the Committee who had been absent, he had himself given notice to two. He believed, also, that Sir R. Peel was aware of the matter, and that the only Member of the Committee who had not notice of the meeting was Mr. Gladstone. If the Committee were to be again called together next Session, and if the noble Lord engaged that Government would take measures to procure the attendance of witnesses required from Ceylon in the interim, he could have no objection to withdraw his Motion, but he would do so only on that understanding.

MR. HUME said, he disapproved of the withdrawal, because during the whole of this discussion the inhabitants of Ceylon, who required justice to be done to them, had never once been alluded to. Lord Torrington seemed to be the only party to be heeded. ["Order!"]

MR. SPEAKER reminded the hon. Gentleman that he had already spoken on the subject.

LORD J. RUSSELL said, that if the Committee were to meet again and propose to summon certain witnesses from Ceylon, there could be no difficulty in summoning those witnesses, and, unless there was some physical impossibility—which was not likely—having them in attendance when the Committee met next year. But this Motion having been made, he could not consent to its being withdrawn. He must ask the House to negative it. He could not do otherwise; it was a Motion affecting the honour and character of the Governor of a distant colony.

MR. LAW hoped the noble Lord would not persevere in forcing a division under such circumstances.

SIR J. GRAHAM said, that if driven to a division he certainly would feel bound to vote with the noble Lord; but at the same time, as the hon. Member for Inverness-shire was willing to withdraw his Motion, and as the Committee were to meet again on Monday, he thought the substantial object in view would be attained, and the honour of all parties secured, by not dividing. He would, therefore, earnestly entreat of the noble Lord to consent to a withdrawal of the Motion.

LORD J. RUSSELL said, it was not necessary that the hon. Gentleman should divide; but the Motion having been made, it was necessary that the Government should ask the House to negative it.

MR. NEWDEGATE observed that the noble Lord himself clearly admitted the necessity of further inquiry into the conduct of Lord Torrington, and yet he would now divide the House against, or negative, a Motion, the object of which was to secure further inquiry. One of two constructions would be put upon the course persisted in by the noble Lord—either that by his own admission of the necessity for such inquiry, he cast imputations upon the conduct of the Governor, whilst he opposed the readiest means of investigating it; or, that he wished the House to come to a vote that would look like a vote of confidence in Lord Torrington after a Committee had been appointed to inquire as to certain acts of his government, and that Committee had declared that further evidence was required.

The CHANCELLOR OF THE EXCHEQUER having remarked that he could not attach either of the constructions of the hon. Member to the course proposed by his noble Friend as to this Motion,

The House divided:—Ayes 33; Noes 90: Majority 57.

The House adjourned at half-after Six o'clock till Tuesday next.

HOUSE OF LORDS,

Monday, July 30, 1849.

MINUTES.] PUBLIC BILLS.—3ª Nuisances Removal and Diseases Prevention; General Board of Health; Metropolitan Sewers; Slave Trade (Persian Gulf); Defects in Leases Suspension; Treasury Instruments; Customs; Stamp, &c. Allowances; Workhouse Loans (Ireland); Turnpike Acts Continuance; Consolidated Fund Appropriation.

PETITIONS PRESENTED. By Lord Redesdale, from Sheerness, against the General Board of Health Bill.—By the Earl of Harrowby, from Bury, Huddersfield, and other Places, against the Granting of any New Licenses to Beer Shops.—From the County Palatine of Lancaster, for the Establishment of a General System of Secular Education, to be supported by Local Rates.—From Huntingdon, in favour of Freemen's Lands Bill.—From Cork, in favour of Sanitary Reform (Ireland).

DISTRESS IN THE WEST INDIES.

The EARL of **HARROWBY** said, that he was now about to call the attention of their Lordships to a subject, on which he should be obliged to occupy some of their Lordships' time. He begged to present a petition signed on behalf of the Standing Committee of the West India Merchants and Planters. It was no agreeable subject that he had to call their Lordships' attention to, considering that the tale was one that had been often told, and presented but one continued series of disappointment, embarrassment, and distress. He thought that the whole history of the conduct of the British Parliament to the parties connected with the West India islands was one of the most melancholy and unfortunate that could be conceived, and was accompanied by a very large amount of injustice. He was not one of those who wished to throw any blame on the great measure of emancipation; on the contrary, accompanied as it was, on the part of this country, with the sacrifice of 20,000,000*l.* sterling for an object in which no national or personal interest of a sordid nature was engaged, he thought it one of the most noble acts which had ever distinguished any nation. But since that time he confessed his own feeling was that the glory of that achievement had been much tarnished, partly by the want of wisdom and consideration which had been displayed in the measures which ought to have accompanied and followed emancipation, and partly and more particularly by the manner in which Parliament had neglected the interests of our own colonies, and exposed them to unlimited competition with parties who had the full benefit of that iniquity which had been put an end to in our own colonies. He felt that he was himself in some degree an accomplice in the act by which this was accomplished, having voted for the measure of 1846. The original step was taken by the Act of 1845, which admitted sugar from foreign colonies, not having slaves, to competition with the sugar produced by free labour in our own colonies. The full effect of that measure was hardly anticipated at the time. It was, in public apprehension, an encouragement given to countries which were limited in extent, and having peculiar claims to the favour of this country, on account of their not permitting slavery within their dominions. But, unfortunately, the effect of that measure was practically to bring our colonies into competition, not only with foreign colonies working by free labour, but also with the white market of the world, with countries not only having slaves, but also extensively engaged in carrying on the slave trade. The second stage of progress, therefore, by which foreign slave-labour sugar was formally and directly admitted into our markets, was the natural and logical consequence of the first, although that consequence was not apprehended at the time; and, in fact, no step for the exclusion of slave-labour sugar could be effectual for its object. However unjust, however inconsistent, however ruinous in their consequences these steps had been, he still did not expect they would be retraced; and he should only be doing mischief if he held out such expectations. Even if the attempt succeeded, it could only be, after all that had passed, for a time: without going back and excluding all foreign sugar whatever, hopes would be excited which would not be realised, and parties would be induced to embark their capital upon a basis which could not be long maintained. Other remedies, or at least mitigations, must be looked to, more in consonance with present views of legislation, less likely to become the object of party struggle or popular agitation; and to these only would he direct the attention of their Lordships. The great deficiency in our emancipated colonies notoriously was a security for continuous labour; and it should have been the first object of the emancipation to provide for it by every possible means. Attempts had been made in the colonies to get permission for the Colonial Office to endeavour to prevail upon the emancipated negroes to enter into engagements to labour for a longer period of time. But, unfortunately, the influence of the struggle for emancipation was still too strongly felt. Parties were still under the impression that they could not benefit the employer without injuring the labourer, and the permission was refused. But whatever might be said against allowing the emancipated negro of the colonies to fetter himself by long engagements, surely it might have been permitted in the case of labourers imported as strangers. Without such engagement, individuals would not incur the expense of their introduction; and when they were introduced at the expense of the colonial fund, they in too many instances formed no permanent connexion, but wandered about the colonies as idle and useless vagabonds. In the case of such importations, or of those of the emancipated negroes by the slave ships, surely such engagements should not only be permitted but encouraged. It was a point, therefore, which he wished to urge on their Lordships' consideration, whether, with a view to the interests of the immigrants themselves, greater encouragement should not be given to the making of contracts to serve for a longer period than was at present allowed. He believed that they were now limited to a duration of twelve months, and it was full six months before any advantage whatever was derived by the employer from the labour of the immigrant. On this point there was very strong testimony. He knew that much jealousy was felt lest, under the name of apprenticeship or contract labour, a modified system of slavery should be introduced. But he thought that all apprehensions on that score might safely be dismissed from the minds of their Lordships, when he stated that Sir James Carmichael Smith, Lord Metcalfe, and Sir C. Grey, the past and present Governors of Jamaica and Guiana—parties quite sufficiently jealous for the interests of the labouring population, and most competent to form a sound judgment—were all of opinion that contracts to serve for a longer period than one year, were not only admissible but desirable; and had expressed this opinion in the strongest way in the official papers which had been laid on their Lordships' table. This was one of the points to which he wished the attention of Parliament should be directed, as a supply of continuous labour was essential to enable the colonists to carry on the cultivation of sugar successfully. Another point to which he wished to call the attention of their Lordships was the loan which was granted last year by Parliament to these colonies. Among other measures of relief, recommended by the Committee appointed last Session by the House of Commons to inquire into the distressed state of the West Indies, authority was given by Act of Parliament to the Treasury to advance 500,000*l.* to the different West India colonies, which was to be distributed among them for the purpose of enabling them to undertake great works of internal improvement. But no part of that loan had been so applied, for the conditions imposed upon its acceptance by the colonists had discouraged them from taking any advance; and he believed that the noble Earl opposite was satisfied that all hope had disappeared of inducing the colonies to accept any portion of this 500,000*l.* for the purpose of undertaking great public works or arterial drainage, as they would have to tax the white community for the interest, and the benefit would be in many cases only to individuals. But although there was no hope that advances would be accepted in this shape, yet if the money were advanced to individual proprietors for the improvement of their several properties on the same footing as money advanced to English and Irish proprietors, by taking first mortgages on their estates, he believed that it would have a very beneficial effect. It might be said that 500,000*l.* would be a small sum for such a purpose; but he had been informed that it would prove most serviceable by introducing into the islands attempts at local and general drainage, which would induce others to follow the example set them. He was informed that the expense of drainage would amount to 5*l.* an acre, and the drainage of 100,000 acres would give an immense increase to the productive powers of the land, and set an example which would probably beget confidence in the future destinies of the colonies. He could hardly imagine that the principle could be objected to, as it was the same which was adopted in lending money to England, Scotland, and Ireland. He thought that the noble Earl the Secretary for the Colonies could hardly object to it on the ground of want of security, as he had on a former occasion expressed his conviction, that no investment could be more advantageous—he, at least, could hardly say that the estate of a West India proprietor was not as good a security as the estate of an Irish landlord. These were the two points which would be practically most advantageous to the West Indies. He could not urge on the House to reimpose the differential duties which existed at one time between our colonies and other countries, because he felt, that, if reimposed, they would not be long maintained, and the attempt therefore would only be a deception; but he felt that the situation of the West Indies was a matter of great importance to this country, both with reference to the interests of the colonies themselves, and to the carrying out of the great experiment of slave emancipation, and that no means should be omitted by which the chance of a successful issue to that great experiment could be improved. If, after having emancipated our slaves, we exhibited to other countries the spectacle of ruined colonies, it could hardly be expected that they would follow the example set to them. At another period of the Session there would have been much that he might have pressed on the attention of their Lordships in connexion with this subject; but he did not wish to do more now than to press these two practical points, without entering into general subjects connected with the welfare of the colonies. He was aware, that the general distress in the colonies had been much disputed in another place, and that many figures had been quoted to disprove it; but on that occasion, as well as on others, the figures had been somewhat curiously selected. The figures quoted related to the year 1847, and the returns for the last year for 1848 were left out, although it would have appeared from them that instead of an increase there was a decrease of 40,000 tons in the production of our colonies. The increase of 1847 was evidently the result of the impetus given to cultivation by the transactions of 1844 and 1845, which arose out of an expectation, not well founded, as it proved, that this country had determined to exclude foreign slave-grown sugar. He did not think that the noble Earl himself, who was apt to take rather a sanguine view of the condition of the colonies, would now deny that the West Indies were in a distressed state. He would hardly deny that the verdict of the House of Commons last year, in a Committee which was by no means favourable to the West India interests, had affirmed the great necessity for the immediate application of relief. If their Lordships looked to the low prices of sugar which at present prevailed, and to the general state of discouragement of all the planters in the colonies, it would be found that the condition of the West Indian colonies was not better, but even worse, than at the period when the Committee of the House of Commons came to the conclusion to which he had just referred. The verdict of that Committee was, that the British West India colonies were not yet prepared to enter into competition with the slave-grown sugar of other States, and on that ground they recommended a postponement of the term when that competition should be complete. Circumstances had not since materially changed, wages were not materially lower, credit was not improved. He wished he could hope that that period would be still further postponed for a definite period. At any rate he would beg his noble Friend at the head of the Colonial Department to state whether he could not hold out some hope to the colonies, if not by a return to the system of protection, or by arresting in some degree the rapid approach of that unfavourable competition to which they were so soon to be exposed with colonies carrying on the slave trade—at all events, that every possible facility should be afforded them in the management of their internal affairs, and for making engagements with immigrants, and the same advantages for availing themselves of the credit of the mother country for raising loans for the improvement of their property, which had been extended to the landed proprietors of England, Scotland, and Ireland.

EARL GREY thought that their Lordships would fully concur with him in opinion as to the inexpediency, at the present period of the Session, of entering into the discussion of so wide a question as that involved in the state and prospects of the West India colonies. It would be impossible to do justice to so large a subject, and he should therefore simply confine himself to the subject of the loan to the West India Colonies, which had been referred to by the noble Earl, as having been sanctioned last year by Parliament. Upon that subject he had to inform the noble Earl that the Act of Parliament authorising the loans most scrupulously limited the discretion of the Government, and deprived them of the power of lending money to individual proprietors; and most undoubtedly he could hold out to their Lordships no expectation of any alteration taking place in that measure, because he felt perfectly persuaded, from his experience of former loans for the purpose of repairing damages by earthquakes, hurricanes, and similar misfortunes, that Her Majesty's Treasury possessed no adequate means or machinery for entering into arrangements with individual proprietors in the colonies, and that the only safe way in which the money could be advanced by this country to the colonies was upon the credit of the local legislatures, leaving to those bodies the task of providing for the distribution of the money for the purpose for which it was required. It was this consideration mainly that was the cause of the Act introduced last year having been framed in the manner it was. From all that he had heard and seen of the operation of former loans in the colonies, the more convinced he was of the absolute necessity of adhering to that principle, and that it was altogether unsafe, in consequence of the British Treasury being totally without any adequate machinery for ensuring the proper application of the money, to enter into any arrangements with individual proprietors. So far, therefore, as the question of the loan was concerned, he could not hold out any expectation that Her Majesty's Government would recommend to Parliament any alteration of the Act.

The EARL of HARROWBY was understood to ask whether any alteration was proposed to be made with respect to the duration of the contracts?

EARL GREY said, that upon the question of the duration of contracts, very ample information would be found in the despatches upon the table of the House, and he should be exceedingly sorry to enter into a subject of that nature which he could do only in an extremely imperfect manner, without the documents to refer to. He would only state that whatever arrangements had already been made, had been entered into with a view to what was considered the benefit of both planters and negroes. His conviction was, that the utter failure of the old scheme of apprenticeship had proved conclusively that the system of long contracts in day labour was no real inducement to industry, and would be, of all other systems, the one most likely to prove injurious to the interests of the colonists. From information which he had received from the Governors of some of the colonies, however, he was not prepared to say that the Governors would refuse their assent to any well-considered law providing for the extension of the period during which contracts might be legally made, subject, however, to this restriction—that in no case should it be compulsory upon the emigrant to enter into such contract; and with this further restriction also—that with respect to liberated Africans who might be sent to the colonies, not at the expense of the colonies themselves, but at the expense of this country, and rescued by the cruisers of this country—that with respect to them contracts should not be entered into on their behalf by the officers of the Government, except within that period which the Governor might think most advantageous, which would certainly be limited to a short period. He stated, that in the papers which he was about to present to the House, some valuable information would be found on the subject of the liberated Africans. When the time came for the proper discussion of the subject, he had no doubt but that it would be in his power to show that it was in the highest degree important with respect to liberated Africans that they should not be allowed to enter into long contracts.

EARL ST. VINCENT said, that the present state of the West India colonies was such as to call for the serious attention of Her Majesty's Government, with a view of devising some remedy for the protection and benefit of both labourers and landed proprietors in colonies. He felt satisfied that unless some remedy were speedily brought forward, a great number of estates would be entirely abandoned. Several instances had come to his knowledge of owners of estates having been compelled to abandon them in consequence of the great difficulties with which they had to contend. During the last year a considerable number of Coolies went to one estate where other Coolies had been at work for a considerable time, and persuaded them to demand such a sum for their labour as the proprietor of the estate could not afford to give, although he offered them a considerably larger sum, provided they would work by task-work, which they would not accept; ultimately both parties of the Coolies walked off the estate, and went to another part of the island.

THE STEAM NAVY.

EARL TALBOT moved for some further returns in connection with the steam navy. The noble Earl took that occasion to state, that as some remarks which had fallen from him upon a recent occasion had appeared to have given pain to Admiral Sir C. Napier, he was anxious to make a few observations on the subject. He did not think it at all necessary to follow the example of his gallant Friend, or to be led into any newspaper correspondence on the subject. In any observations which he had made upon that occasion, he had no wish whatever to hurt the feelings of a brother officer. He had merely alluded to the *Sidon* as being a vessel with which that gallant officer had had something to do; and he did so because he (Admiral Napier) had not been at all scrupulous in attacking other persons who had been engaged in building vessels, and he thought "that those who lived in glass houses ought not to throw stones." He had mentioned the case of the *Sidon*, as it was one of the many ships which had been built, and which, even after very expensive alterations, had not been found to answer. He might also mention that when that gallant Admiral stated that the fleet of this country was not able to cope with the French fleet, it would have been more consistent with his position as an Admiral if he had gone to the Prime Minister or the First Lord of the Admiralty, and privately explained to either of them the danger of the nation, instead of writing a public letter to the newspapers; making it public, not only in this country but also in France. He was, however, happy to say, that since he had called the attention of their Lordships to the subject, he had had conversations with several naval men on the subject, and that their opinion was that our steam fleet was a match for any steam fleet in the world.

Returns ordered to be laid before the House.

ACCOMMODATION OF THE HOUSE.

LORD BEAUMONT moved—

> "That an humble Address be presented to Her Majesty, to request that Her Majesty will be graciously pleased to give Directions that a Gallery be erected below the Bar, according to a Plan submitted by Mr. Barry, and approved of by this House."

[The object of this Motion is to make the present gallery for the reporters a permanent erection for their accommodation.]

Motion agreed to.

LORD BEAUMONT then moved, "That the Standing Order, No. 18, be considered."

[The purport of the alteration proposed to be made in this Order is, that if any noble Lord shall wish to speak to another, they shall retire to the Prince's Chamber, and shall not converse in the space behind the woolsack; and, if they do, the Speaker shall call them to order, and shall stop the business then in agitation.]

LORD BROUGHAM was inclined to object to that part which gave the Speaker the peculiar privilege of calling their Lordships to order. Their Speaker had not the same power as the Speaker of the House of Commons on points of order. He could only call their Lordships to order in his capacity as a Peer, and not as Speaker. He observed, that it would be much better if their Lordships would speak on their legs, and not on their seats. None but Judges had a right to speak on their seats; and to their Lordships speaking on their seats he had a fundamental objection. The conversation in the space behind the woolsack was conversation out of the House.

EARL GREY said, the question was whether the House should give its Speaker the same power as the Speaker had in the House of Commons. On that point much might be said, as the House was now more numerous, and he must add, more disorderly, than it was at the time when its Standing Orders were originally framed. Any Peer could call to order when conversation was going on within the House; but what was everybody's business (according to the old proverb) was nobody's business. What Lord Beaumont proposed was only this, that when Peers were engaged in conversation behind the woolsack, the Speaker should call them to order, not as Speaker, but as an individual Peer, which he had a right to do.

Order amended.

BRIBERY AT ELECTIONS BILL.

Order of the Day for the Second Reading, and for taking into consideration the Standing Orders, Nos. 26, and 155, in order to their being dispensed with, read.

LORD MILFORD moved the Second Reading of the Bill,

LORD BROUGHAM: Tell us something about the Bill.

LORD MILFORD was understood to say that the object of the Bill was to put an end to bribery at elections, and that he thought none of their Lordships would oppose the passing of a measure of that kind.

LORD STANLEY said, that if he wanted any additional motive for the Motion which he was about to make, he should find it in the evident incapacity of the noble Lord really to explain the provisions of the Bill which he had taken upon himself to move in so extraordinary and unprecedented a manner on Friday last. It was then stated that it was the intention to prorogue the House upon Tuesday or Wednesday next, and for the purpose of facilitating that prorogation, and the carrying of those Bills which it was absolutely necessary should pass their Lordships' House, they had, contrary to the usual practice, sat upon Wednesday and Saturday last, and went through a number of Bills with very considerable rapidity on Wednesday, Thursday, and Friday. It was then understood that their Lordships had full notice of all measures to be submitted to their consideration in the course of the present Session; and under that impression many noble Lords, and himself among others, had actually left London in the full conviction that it was impossible that any surprise should be attempted by the introduction of any measure of which no notice had been given. He was happy to think that the course which had been pursued in so unprecedented a manner was adopted by a noble Lord who had not had much experience in the practice of their Lordships' House. It was a proceeding which appeared to him not only inconsistent with the usages of the House, but also opposed to that ordinary fairness which, upon most occasions, he was bound to say characterised the conduct of the noble Marquess who represented the Government in that House. Upon the Friday to which he had alluded, the noble Lord (Lord Milford) undertook, without notice, to move, contrary to the usual practice, the second reading of a Bill which did not stand upon the Orders of the Day. The rule of the House requiring that proper notice should be given of the second reading of any Bill, was a most important one, and was particularly so at the present late period of the Session. He was surprised to find that the Government, instead of putting themselves forward, as was their duty under such circumstances, as the protectors of the House against surprises of this kind, in the first place sanctioned the attempt to have the Bill read a second time, and in the next place were the actual suggestors of the course—so much at variance with fair dealing and fair play—now proposed of reading the Bill a second time, and moving the suspension of the Standing Orders. With respect to the suspension of the Standing Orders, he thought that such a course ought only to be pursued under very special circumstances, for some great national object, and for passing within a limited time some measure the principle and details of which were generally agreed upon by a majority of their Lordships. Any stretch of the power of suspending the Standing Orders beyond that point, was to impose the tyranny of the majority upon the minority, and to deprive the House of the means which its practice had placed at the disposal of their Lordships for the due consideration of all the measures brought before them. Under these circumstances, it was clearly the duty of the Government to resist any attempt to suspend the Standing Orders; and he was surprised to find not only no resistance made on their part, but that the suggestion for facilitating the passing of this Bill proceeded from the Government itself. When he looked at the Bill itself, he saw no excuse whatever for adopting the course proposed with respect to it. The Bill had been in their Lordships' House not less than a fortnight, and it was not until within two days of the close of the Session that any noble Lord had proposed to have the Bill read a second time. There had therefore been a delay on the part of the promoters of the Bill, if promoters there were in that House—which of itself was sufficient to put them out of court on the question of the suspension of the Standing Orders. The measure itself was full of faults and defects, vicious both in principle and detail, and involved questions of so great importance that it was impossible that they could be properly considered by the House at that late period of the Session. When the noble Lord (Lord Milford) rose to move the second reading, he was called upon by his noble and learned Friend (Lord Brougham) to state something of the principle of the Bill; but all that was stated by the noble Lord, in answer to this request, was to the effect that a Bill to prevent bribery, which had been fully discussed in the other House, could not fail to meet with the approbation of their Lordships. He (Lord Stanley) thought that the noble Lord was himself perfectly ignorant of the measure, and did not think that he had ever taken the trouble to read a single word of it. The principle of the

Bill was of the most objectionable character. [Lord BROUGHAM: Monstrous!] Its first provision was to the effect that any person who might be declared by the unanimous verdict of a Committee of the House of Commons to have been guilty of bribery, upon satisfactory evidence being adduced before such Committee—though such declaration might be made by a Committee of the House of Commons behind the back of a person accused—that person all his life shall be incapable of voting for Members of Parliament; and from one county to another—from one town to another—from one end of the kingdom to another—wherever he goes, that stigma was to follow after him. That judgment was to be passed upon a person by a tribunal before whom he never had been heard.

LORD BROUGHAM: And he might never be aware of the accusation.

LORD STANLEY: Even where a person only received refreshment, a fastidious Committee of the House of Commons might report that to be an act of corruption, and the unfortunate man would lose his franchise for the rest of his life. But though the person who bribed might thereby lose his right to vote, he did not lose his right to sit in Parliament except for that particular Parliament, and the borough in which he bribed. While they disfranchised the voter, they permitted the person who had bribed hundreds of those voters, to take his seat amongst the legislators of the country in the House of Commons, and there aid in the passing of new Bills for securing the purity of election. He would, in the next place, call their Lordships' attention to the fifth clause. It enacted that if any petition for bribery be presented to a Committee of the House of Commons by an unsuccessful candidate, or by voters in his name or on his behalf, or by voters not in his name or on his behalf, but in their own, it shall be competent for the sitting Member to threaten the unsuccessful candidate, though he is not a petitioner, to present a petition to prove him guilty of bribery. And if that man were poor, and could not afford to appear before the Committee to defend his character, he, though not asking for the seat, and though not guilty of bribery, but not choosing to come forward and make his defence, would be told that he was guilty of bribery, and that all those penal consequences should follow. That was a clause to intimidate the poor man from presenting a petition against the wealthy man; and the effect of the clause would be, that not only injustice would be done, but they would, in point of fact, defeat the object the Bill professed to have in view. Those were two of the provisions of a Bill which they were called upon, on the 30th of July, to pass through all its stages in the course of one day, and to pass it on the Motion of a noble Lord who did not know what he was proposing, and had never read a syllable of the Bill he asked them to pass. He (Lord Stanley) had gone to the country when he heard the news of this monstrous proposition of Saturday last, and at a great inconvenience he felt it to be his bounden duty, while there was a possibility of this measure passing, to return to his place in that House, to denounce not so much the Bill as the course taken to surprise the House into the passing of this Bill, and the smuggling it through the Legislature. When the noble Lord (Lord Milford) entered the House, he (Lord Stanley) was about to move that the order should be discharged; not because he thought it would be disrespectful to the noble Lord, but because he conceived that under the circumstances the noble Lord had thought it more prudent not to move the second reading. He (Lord Stanley) should now substitute for that Amendment the proposition, "that the Bill be read a third time this day three months."

EARL GREY would not discuss the provisions of the Bill, because he admitted at once it was a Bill that ought not to pass during the present Session. If it were a fitting occasion to discuss the clauses of the Bill, he did not think from a hasty and cursory perusal of it that it would be difficult to show that the view taken of it by the noble Lord opposite was an extremely inaccurate view; but that was not the proper occasion to discuss it. With regard to the Bill, he concurred with the noble Lord in thinking that it was one for the passing of which, except by the general consent of the House, the Standing Orders ought not to be suspended; and he thought his noble Friend should adopt the suggestion that had been made to him, and withdraw the Bill. He (Earl Grey) understood that the Bill appeared in the Minutes of the Proceedings as a Bill of which the second reading would be moved by the noble and learned Lord opposite.

LORD BROUGHAM: No.

Earl GREY: Then the noble Lord disclaims it.

Lord BROUGHAM: I have nothing to do with it.

Earl GREY believed his noble Friend had been asked to move the Bill, with an assurance that it would be agreed to by all parties, and was so invited to move in the place of an absent Friend. It was a Bill that required consideration, and he should not object to its being postponed.

Lord BROUGHAM denied the extraordinary charge made against him by the noble Earl, of having anything to do with the procreation of this most rickety bantling. He was bound, in defence of his own purity, to deny that it was his natural child at all. He admitted that he had repeatedly urged their Lordships to pass a Bribery Bill; but the proposal which he suggested, and which an honourable and much esteemed friend of his (Sir J. Pakington) had brought into the other House of Parliament was to this effect: It required a declaration to be made at the table by the Members of the other House of Parliament, that they had neither directly or indirectly given or authorised to be given any bribe, gift, promise, or other consideration whatever, for a vote, or to influence a vote, or directly or indirectly concerning a vote; and that they had never promised to fulfil any engagement made in their name in respect to any vote given on a former occasion. That was the Bribery Bill he had propounded, and that clause was in the Bill, and the Commons in its wisdom struck out the clause, which was the only part of the Bill he knew anything about, and they added to it the most monstrous provisions. He did not conceal his opinion from Sir J. Pakington, and told him it was utterly impossible he could support, or do otherwise than oppose, such a monstrous proceeding. He objected to trying a man in his absence, and condemning and punishing him in his absence, and without his knowledge. It was monstrous to think that this Bill should be passed in the other House of Parliament without opposition. It was one of the most marvellous sights—one of the greatest phenomenons in legislation he had ever witnessed.

Lord MILFORD was understood to say that he should not press the Motion.

The **Marquess of LANSDOWNE** begged to make an observation in reply to the statement of the noble Lord opposite (Lord Stanley) with respect to the course taken by the Government in relation to the Motion for suspending the Standing Orders. Notwithstanding the course he (Lord Lansdowne) had taken on that oscasion, he had never expressed the least interest in the Bill, and he begged leave distinctly to state, that the Bill was not a Government Bill.

On Question, that "now" stand part of the Motion, resolved in the *Negative;* and Bill to be read 2ª this day three months.

THE NEW NAVIGATION LAW.

Lord WHARNCLIFFE rose to bring forward the Motion of which he had given notice—

> "That an humble Address be presented to Her Majesty for Copies of any Communications which may have passed between Her Majesty's Government and the Governments of Foreign Powers, in consequence of the passing of the Bill for the repeal of the Navigation Laws."

On presenting himself before their Lordships, he was bound to say that he would not have presumed to call their Lordships' attention to a Motion of this description at that late period of the Session—he might almost say the final moment of the Session—unless he was prepared to show that the peculiar circumstances of the case justified him in asking their attention. His justification for so doing was simply this—when the Bill passed their Lordships' House this Session, the object of which was to repeal the then existing Navigation Laws, it was provided, amongst the clauses of that Bill, that it should take effect on the first day of the ensuing year—the 1st of January, 1850; so that, in fact, it would come into operation during the recess, and it was most important that there should be no misapprehension or any ignorance on the subject. He objected at the time the Bill passed to the effect of that provision, feeling as he did that there were questions involved in the operation of the Bill which were of the greatest interest to the nation at large, and with respect to which it was but fair that Parliament should have some voice at the time, or about the time, the Act was to have effect; and he thought it only reasonable that the provision should be so altered as to bring the commencement of the operation of the Act within some period when the Legislature would be sitting. Their Lordships did not seem inclined to adopt his suggestion, and he did not then think it necessary to press it; but the effect of the provision passed by their Lordships was this, that before they should again assemble, the Act would be brought into operation, and that was the last opportunity any person feeling an interest in the consequences of that enactment could obtain of asking the Government what course it proposed to take with respect to the relations between this country and foreign States, and with respect to the exercise of the powers conferred on the Government to enable them to treat with some authority on this subject with foreign States. He considered the question as to what might be done by foreign States with respect to the Navigation Laws, as a matter of considerable moment. He had proposed an Amendment that would impose on Her Majesty's Government some duties with respect to communications with foreign Powers, and he need not rest altogether on argument to support that view of the case; he need do no more than appeal to the measures of the Government itself. If they did not entirely agree with him, to some extent at least they agreed with him in his view of the subject; and one of the features of this important measure was to give to Government powers of retaliation for the express purpose of inflicting penalties upon those Powers that might decline to meet them on fair terms of reciprocity. But supposing that those clauses regarding reciprocity were sufficient for all the purposes which their promoters intended, they did not, he conceived, preclude him from putting the question which he had put to the Government, or from making the Motion which he then submitted to the House. He must remind their Lordships of a paper presented to both Houses of Parliament at the time of the discussion on the Navigation Laws. He alluded to a despatch which had been written by the noble Lord the Secretary of State for Foreign Affairs in the month of December last, addressed to the British Ministers at foreign Courts. He (Lord Wharncliffe) would read a few sentences out of that letter. It was but fair he should remind their Lordships of the language held by the noble Lord on the subject, and which induced him to think it worth while to take the matter up. About the 2nd of December, 1848, the noble Lord the Secretary of State for Foreign Affairs wrote as follows to our Ministers at foreign Courts:—

> "You will point out to the ——— Government that although the proposed Bill will not attempt to make the relaxation in the British law strictly dependent upon the legislation of other countries, yet that the general policy of each State will be a matter for consideration when such relaxations are in question; and you will endeavour to obtain at the earliest possible period when ——— will be prepared to accept advances made on the part of Great Britain for placing the ships of the two countries on a footing of equality, with the single reservation of the coasting-trade, or whether the ——— Government would prefer to reserve any particular privileges or exemptions to their national vessels, on the understanding that it may thereby render it impossible for this country to concede to ———'s shipping the whole of the advantages which will, under the contemplated measure, attach to the shipping of such States as may place British and national vessels upon a footing of more perfect equality; for while the British Government are prepared to remove nearly the whole of the restrictions of the British Navigation Laws, in all cases where such a measure shall be met in a spirit of corresponding liberality, it is impossible for them to lay down, with any precision, the course they may think fit to take where no such spirit is shown, until they shall be fully informed of all the circumstances which should be taken into their consideration.—I am, &c. "PALMERSTON."

The circular then recited the Bill of last Session, and proceeded in these words:—

> "Ample powers were, however, reserved to the Crown to impose differential duties, prohibitions, or restrictions upon the ships of any country in which British ships should be subject to such duties, restrictions, or prohibitions; and it was intended that the Bill should not have come into operation for some months after the day on which it passed, in order that Her Majesty's Government might have time to ascertain the dispositions of foreign Powers, and might thus be able to frame the proper orders for any differential duties, &c. that might be required before the intended relaxations should begin to take effect towards the ships of such nations as might be willing to treat British shipping on a footing of perfect reciprocity."

He believed there was not a man in the country who considered the subject attentively who entertained any belief that reciprocity was practicable, in the strict sense of the term; but by the law, as the recent Bill had made it, our system of commercial intercourse had been most materially relaxed, and it therefore became the bounden duty of Ministers to render the change as little inconvenient to the country as possible. When he had on a former occasion alluded to this subject, Ministers had not repudiated the view that he took, and it struck his mind most forcibly that it might be regarded as a matter of indifference whether we asserted our claims to reciprocity by means of previous remonstrance, or by means of our clauses of retaliation. It amounted to the same thing whichever course we took. We had given up our exclusive rights to all commercial intercourse, foreign or colonial, to all but the coasting trade; and it became absolutely necessary that we should in other respects protect our interests by rendering that change as easy and as little injurious as possible. In the first place, with respect to France, the Government had a perfect right to demand that there should be some concession made; considering the relations between the two countries and the public policy of France, they should expect that they would concede something. Let them look, in the next place, to the case of the United States. They were in a position that entitled them to make a demand on that country; and if the Government properly availed themselves of their powers, they might obtain great advantages for the subjects of this country. He asked if America and this country now stood in the same position they formerly stood in with respect to each other? No; there is now a material difference in their positions, and it was the duty of the Government to obtain equal advantages for this country.

The Marquess of LANSDOWNE said, there certainly was no objection to the noble Lord's calling the attention of the House to the subject in the manner that he had done, even though the Session was so near its termination; but he was sure the House would feel with him that it would be impossible for the Government to give any part of the information which the noble Lord now required; and for this, amongst other reasons, that there had been no time since the passing of the Bill to take any steps with a view to establishing principles of reciprocity, or rather the nearest approach to principles of reciprocity, that circumstances would permit. He could assure the noble Lord that the subject had not been lost sight of—that communications had been opened with different countries—that considerable progress had been made in our communications with Foreign Powers, and he hoped our negotiations would speedily be brought to a satisfactory conclusion—alike satisfactory to this and to other countries; but such a result must, of course, depend upon the views entertained on the subject by Foreign Powers. Finally, it must be obvious to the House that while negotiations were pending he could make no communications to Parliament; but he could assure the noble Lord that the Government felt as strong an interest now in the subject as at the time the Bill was passed, and that they were using their utmost endeavours to obtain from all countries a recognition of the principles of reciprocity.

On Question, resolved in the *Affirmative.*

POOR RELIEF (IRELAND) BILL.

On the Order of the Day for the Consideration of the Commons' Amendments to the Lords' Amendments, and their Reasons, read,

The Marquess of LANSDOWNE said, he had to propose that their Lordships do agree to the Amendments of the House of Commons to their Lordships' Amendments to this Bill. The Government were of opinion that these Amendments ought to be adopted by their Lordships, with a view to the Bill being passed during the present Session. He thought their Lordships would be of opinion that there had been manifested by the House of Commons a great and anxious desire to meet the views of their Lordships; and he hoped that the liberal spirit of concession exhibited by the other House in deference to the views of their Lordships on this measure, would meet with a corresponding feeling of conciliation and forbearance on the part of that House. With respect to the most important and most questionable of the provisions of the Bill, namely, the enactment (for the first time, and on grounds admitted to be exceptional) establishing a maximum rate both in electoral divisions and in unions, clauses were introduced into the Bill by the Government which had been the subject of much discussion both in the other House, where these clauses were carried, and in their Lordships' House, where they were negatived. With respect to these clauses, the other House had waived considerations that usually had the greatest weight with them, and had carried, almost to an extreme, the desire to accept the Bill with their Lordships' Amendments. The other House had, he thought, wisely acted herein, and were entitled to the thanks of the country for the disposition they had shown, which he trusted would be met by a corresponding feeling on the part of their Lordships. Without wishing to revive the discussion upon these clauses, which had been proposed by the Government in the desire to give encouragement to the investment of capital in Ireland, and the omission of which by their Lordships had amounted to a breach of the privileges of the Lower House, the Bill had come back to their Lordships with both these clauses omitted, the other House having waived their privileges and forborne to insist on the re-insertion of these clauses. The House of Commons had agreed to many of the Amendments suggested by their Lordships. They had made large concessions in a very liberal spirit; and, looking to the value of the Bill in the present state of Ireland, he would urge the expediency of their Lordships agreeing to the Amendments made by the other House to their Lordships' Amendments.

Lord STANLEY admitted, that the manner in which the House of Commons dealt with this measure, which had been sent up to them with extensive Amendments, and more especially the manner in which they had foreborne insisting on their extreme privileges, which they considered to be involved in the first and second clauses, entitled their views to a respectful consideration; and on that account, however much he regretted some of the Amendments made by the House of Commons, he thought they ought to sacrifice their own opinions to a certain extent, and accept the Amendments made by the House of Commons. There was only one question of dispute likely to arise, but that was one which was looked upon by those who had most carefully considered the subject, to be of vital importance to the owners of property in Ireland. He alluded to the proceedings in the superior courts in Ireland. He regretted that the 17th, 18th, and 19th Clauses, which related to the recovery of the arrears of rate and the removal of the civil-bill decree from the assistant barristers to the superior courts, and which were part of the original Bill, but which had been expunged by their Lordships, had been re-introduced by the House of Commons. With the exception of these clauses, he believed there was no difference of opinion, and that they would be ready to adopt the Amendments of the House of Commons on all other points. But if these clauses were insisted on, he thought they ought to disagree to these Amendments.

On the Amendments relating to these clauses being read,

Lord MONTEAGLE entirely agreed with his noble friends that the manner in which the House of Commons had dealt with this Bill, required on their part the greatest possible forbearance, and a readiness to sacrifice their individual opinions as far as possible; and, therefore, whatever might be his regret that the other House disagreed with their Lordships on some minor points, nevertheless he admitted that their Lordships should show themselves willing to defer as far as possible to those who evinced a similar spirit. But he had felt it his duty to appeal to their Lordships against the late period of the Session at which so important a measure had been submitted to their consideration, when they were prevented, by the circumstances of the Session, and the calamities of the country, from having the assistance of most of the representative Peers of Ireland in the discussion of a Bill so deeply involving the interests of that part of the united kingdom; and he had now to ask their Lordships to adhere to the judgment they had come to in Committee, when they struck out the 16th, 17th, 18th, and 19th Clauses of this Bill; and in so doing he was only asking them to do what their own Committee upstairs had unanimously recommended, viz., that in future the mode of recovering the poor-rates should be by civil-bill process before the assistant barrister, and by distress warrant from the magistrate. He would not now repeat the arguments that he had formerly urged on their Lordships, but he must explain that the present state of the law gave the power of a remedy in the superior courts; but Parliament never dreamt, when it gave that power, of doing more than confining its operation to persons who were out of the jurisdiction of the inferior courts. But it had been lately discovered, for the first time, that by the process in the superior court a judgment might be obtained that would become a lien on the whole real estate of the party affected by the judgment. This was not done by direct enactment; it was merely an incident of the existing law in certain cases; but the effect of the clauses originally in this Bill, and now proposed to be reinstated in it, would be directly to extend this power to all cases whatever, and to apply it in a manner most objectionable; for it was now sought for the first time to apply the rule, not only in cases where there was an immediate lessor, who might not be reached except by the superior courts, but the power of proceeding was given in all cases, although the party might be within the jurisdiction of the inferior courts, and capable of being proceeded against in the ordinary way. Again, when his noble Friend introduced the power of proceeding by the superior courts of law into this Bill, he inserted a proviso that no such proceeding in the superior courts could be instituted except by the consent of the Poor Law Commissioners; but under the present Bill no such consent was necessary, and every civil-bill decree might be removed from the assistant barrister without either asking or obtaining the consent of the commissioners. In this Bill, therefore, all the checks and safeguards placed upon the boards of guardians by the existing law were done away with. And when a judgment was once obtained for arrears of poor-rate, it took priority of every other charge on the estate in question, except an obligation or debt due to the Crown. These clauses were objectionable upon every principle of justice; they were altogether unexampled by the state of the law in England; and if they were adopted he was convinced they would raise up unprecedented difficulties in the way of the collection of the poor-rates in Ireland, where, notwithstanding the unparalleled distress that had afflicted the country, the poor-rates had been levied on the whole as well as they had been levied in any country. On these grounds he should move—" To insist on one of the Amendments made by this House to the said Bill."

Lord CAMPBELL said, that in answer to his noble Friend, he would confine himself to the Amendments on which his noble Friend meant to insist. If he understood his noble Friend rightly, he objected to two points: first, that there should be a power of bringing any action whatever for rates in the superior courts; and, secondly, that the decrees of the assistant barrister should be enforced by the superior courts in the manner proposed by the Bill before their Lordships had made their Amendments upon it. He would confine his explanation to these two points, and he hoped to be able to induce their Lordships to agree to the Amendments proposed by the other House of Parliament. He would show that the Bill, so far from extending, limited liability. A great hardship had formerly existed, the landlord being indefinitely liable for rates in arrear when he might not have been in possession, and might not have been in receipt of any rent. Subsequently this liability had been limited to two years, and this principle was recognised by the 28th Clause of this Bill. None of the other enactments extended the liability of the landlord, for where the annual value was under 4*l.*, he was primarily liable; and in cases where the amount was large, the remedy by civil-bill process was the best that could be applied, and was in reality mercy to the parties concerned. The general jurisdiction of the assistant barrister being confined to sums of 20*l.*, it was necessary that the commissioners should have authority to direct actions in the superior courts, where the sum to be recovered was large, and where nice legal questions were involved. In a recent case (Dr. Bonner's), where an action was brought for arrears of rates, the defendant pleaded that the rate was claimed under an Act which the Legislature had no right to pass, because it was contrary to the articles of the legislative Union. Such questions as those could not conveniently be entertained in the assistant barristers' courts; and though an appeal lay from their decisions, it was to the next assizes, and in the meantime what became of the poor? On these grounds, the propriety of giving a right of action in the superior courts could not be doubted. It had always been considered that poor-rates due formed the first claim on the land. Such was the law at present; the Masters in Chancery in Dublin had unanimously promulgated a rule requiring the receivers of rents to pay all the rates due without any rule or order to that effect. Previous to this, it had been customary to apply to the Lord Chancellor for an order in each particular case; but, by the rule above noticed, the guardians had the power of making the rates due the first claim on the land. It was proposed by this Bill to enable them to commence actions, and thus become judgment creditors; but then they would only come in with other judgment creditors. What injustice was there in this? The law was the same in England, with regard to judgment debts; and in Scotland it was enforced with greater rigour. There was no injustice in allowing actions to be brought, nor in the means given of enforcing the judgments in the absence of personal property.

Lord STANLEY said, he dissented from both these propositions. They were not discussing the Bill as a whole, but considering whether the particular clauses before them had the effect of mitigating or increasing the severity of the law. The partial limitation of the landlords' liability to two years was not due to the Government, but was given by a Bill introduced in the other House by the hon. and learned Member for Dublin. At present, the consent of the commissioners was necessary to registering a decree of the assistant barrister in the superior courts; it was admitted that this authority had been much abused; but the present Bill rendered such permission wholly unnecessary, though it was said to be a power that ought to be exercised with great caution. The noble Lord paid a poor compliment to the assistant barristers of Ireland, in supposing they were such egregious blockheads as to be puzzled by a plea of the nature he had described; but if this was so, it was a strong argument against giving them the additional powers contained in this Bill. Not only was full power given to the assistant barrister, but the appeal was taken away, and a decree, or a dozen decrees, might be registered immediately on their being passed. The noble Marquess opposite had himself admitted that these clauses might make one man liable for the debts of another; a stronger testimony could not be borne to their injustice. Not only was the personal property, but the land, made liable—not alone for a debt contracted by a man's predecessor, but by his predecessor's tenant, whom his predecessor had no power to eject. He did not deny that the poor-rates were a primary charge on the proceeds of the land; but to make the land itself, despite of all entails or charges, liable for arrears of rates, was a principle wholly irreconcilable to English ideas of justice, and wholly unknown to the English law. No single witness had stated this power to be necessary for collecting the rates; and its effect would be to check the improvement of land in Ireland, and to prevent the investment of fresh capital. Let the House beware of imposing any unnecessary burden on the land of Ireland, or sanctioning the principle of making one man liable for the debts of another.

Earl GREY said, the Bill as it stood made no change whatever in the landlord's liability, except in his favour.

Lord STANLEY: Yes, it does.

Earl GREY said, the landlord was liable now for more than he would be liable for under this Bill.

Lord STANLEY: But it extends the liability to the land itself.

Earl GREY observed that whatever changes with respect to liability this Bill introduced, were in the landlord's favour. It was a great security to the landlord that the arrears of rates should be limited to two years. It was of infinite importance, also, that the means of recovery should be as simple, cheap, and stringent as possible. To make those means stringent, it might be necessary to come upon the land if there was nothing else to distrain upon.

Lord WHARNCLIFFE was understood to contend that the cases in which application could be at present made to the superior courts, were entirely different from the cases contemplated by the clause of his noble Friend. He denied the analogy sought to be drawn between both cases, but at the same time he could not vote with his noble Friend, as the passing of the measure would thus be endangered.

Lord BROUGHAM said, he felt in rather an awkward predicament after the speech of his noble Friend who had just sat down. He felt coerced by his noble Friend's argument to vote one way, while his noble Friend was himself going to vote the other way.

The Earl of ST. GERMANS said, he agreed with his noble Friend on the cross bench (Lord Wharncliffe), that the Amendment was better than the clause sent up by the House of Commons; but that was not the question to be decided. He believed that there was no ground whatever to suppose that the Commons would adopt the Amendment of his noble Friend. The Commons had the question fully before them—had acted in a conciliatory spirit towards their Lordships, having waived the undoubted privileges of their House, and adopted Amendments made by their Lordships which he, for one, never thought they would have agreed to. Therefore, viewing the matter in the light of a compromise, he could not consent to the loss of the measure by voting with his noble Friend.

Lord MONTEAGLE said, that with regard to the fact alluded to by his noble Friend, of the House of Commons having yielded their privileges, it was clear that their Lordships could not interfere in any questions of local taxation unless these privileges were waived, and therefore the concession to which his noble Friend alluded was a matter of absolute necessity. He should feel bound, under the circumstances, to press for a division.

The Marquess of LANSDOWNE said, as there were many noble Lords present on the benches opposite who had not heard the commencement of the debate, it was right to repeat to them that the effect of the Amendment being carried would be fatal to the Bill. Many of the other clauses were considered valuable by both Houses. The House of Commons had made great concessions, and the Bill as it now stood had received the support of the Irish Members, and of Members of all parties in the House. It had come back to their Lordships with hardly any opposition; and if the Bill were now thrown out, it would be by an opposition on the part of their Lordships' House, not to any particular party in the House of Commons, but to a considerable majority of all the Members attending the proceedings of the House. Whether this were a wise course to pursue at the present time, or whether it would tend to induce the House of Commons to waive their privileges in future, was a matter for their Lordships to decide. He would only remind them, in addition, that by leaving the law as it at present stood, they would leave both the landowner and the land liable to worse consequences than any that were apprehended from the Bill.

Lord BROUGHAM said, it was not by the House of Commons, but by the Government, that the Bill would be rejected. His noble Friend who had just sat down could not speak for the House of Commons, though he could speak for the Government, and he ought not therefore to have thrown out as a threat a probable course of proceeding on the part of the other House.

The Marquess of LANSDOWNE said, he did not use the intimation he had thrown out as a threat, but he spoke from his knowledge of the difficulty of inducing the House of Commons to alter their recent decision. He spoke on behalf of the House of Commons, and not of the Government, when he said that the Members who had been induced unwillingly and against their opinions to accede to some of the Amendments, in order that the Bill might pass into a law, would, there could be no reason to doubt, revert to their own opinions if the Bill did not pass as it now stood.

Lord BROUGHAM begged to explain that he did not mean to impute to his noble Friend the charge of using the word "threat" invidiously.

Lord BEAUMONT said, that great weight was to be attached to the observations of his noble Friend, speaking either on the part of the Government, or of the House of Commons; and, therefore, while he protested against the clause as it now stood, he could not reconcile it to his conscience to reject the Bill altogether, seeing that it contained such clauses as the limitation of the liability to two years, and the arrangement by which more than half the poor-rate can never be deducted by the tenant, and also the Amendment with regard to valuation for improvements.

Lord BROUGHAM said, that he also should regret much to see the measure altogether fail in consequence of the Amendment of his noble Friend being persevered in. He would, therefore, strongly recommend his noble Friend not to press his Motion to a division.

Lord MONTEAGLE under those circumstances yielded; but in doing so, begged to notice how inconvenient it would be if such a practice were to be frequent. He thought their Lordships ought to do what they deemed right, and leave others to act as they pleased. He looked upon this measure as the accomplishment of a system of legislation against which they had often been warned—a system which had cost this country millions, and which had done more to injure Ireland within the last few years than the fifty years' previous legislation had benefited her. Those who had considered Mr. Labouchere's measures—the relief system and the present system of poor-laws—would consider this Act as one inoperative for good, but prominently effective for mischief. He was happy to say, that in making the proposition he had, he was justified by the support of every Irish representative Peer not connected with the Government, which had been accorded to him when he first moved the Amendment. After the statement of the noble Marquess, however, he should not feel justified in pressing for a division, and under the circumstances, and with this explanation, he would withdraw his Amendment.

On Question, resolved in the *negative*.

The other Amendments made by the Commons agreed to.

House adjourned till To-morrow.

HOUSE OF LORDS,

Tuesday, July 31, 1849.

Minutes.] Petitions Presented. By Lord Monteagle, from Marylebone, that Measures may be taken to Recognise the Independence of Hungary.—By Lord Brougham, from Rochester and Chatham, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—From the Dublin Traders Protective Society, against the Attachments, Courts of Record (Ireland) Bill.

THE THANKS OF THE HOUSE TO THE ARMY IN INDIA.

The LORD SPEAKER acquainted the House, That the Lord Chancellor had received the following Letter from the Earl of Dalhousie, in return to the Thanks of this House communicated to him by the Lord Chancellor, in obedience to an Order of this House of the 24th of April last:—

"Simla, 14th June, 1849.

"My Lord—I have had the Honour of receiving Your Lordship's Letter of 25th April, inclosing the Resolutions which on the preceding Day had been adopted by the House of Lords.

"In obedience to their Lordships' Request, I have communicated those Resolutions to General Lord Gough, G.C.B., and to the several Officers referred to therein.

"On my own Part, I beg Permission to express the Gratitude and Pride with which I have received this distinguished Mark of their Lordships' Approbation.—I have the Honour to be, My Lord, Your Lordship's Obedient and faithful Servant, "Dalhousie.

"The Right Hon. the Lord Chancellor, &c."

The same being read, was Ordered to lie on the Table, and to be entered on the Journals.

NATIONAL EDUCATION.

Lord LYTTELTON inquired whether in the case of schools connected with the British and Foreign School Society, the Wesleyan Methodists, and the Free Kirk of Scotland, the conditions which had been agreed on between the Committee of the Privy Council and certain bodies representing those religious communities, would be equally compulsory with those which had been imposed on the Church of England schools?

The Marquess of LANSDOWNE replied that what were called the "Management Clauses" adopted and enforced by the Committee of Education, were enforced alike with respect to schools in connexion with all classes of Dissenters equally with those in connexion with the Church of England. He was glad to say that a perfect understanding existed between the Committee of Education and the Church of England and the various dissenting bodies on this subject.

THE COLLISION AT DOLLY'S BRAE (IRELAND).

The Earl of RODEN rose for the purpose of making some explanation with respect to certain charges which had been made against him, in respect of his conduct in connexion with the recent collision in the north of Ireland. The noble Earl stated that nothing could be more irksome to him than trespassing for any time upon ther Lordships' attention, more especially upon a subject personal to himself. Circumstances, however, might arise which would make it incumbent upon any Member of their Lordships' House to take the opportunity afforded by his privilege in the House to remove any wrong impressions which might have arisen in the public mind from circumstances which had occurred elsewhere. He had been most anxious, after the events which had recently taken place in the north of Ireland, to appear among their Lordships, and should have done so before, had he not been detained in Ireland until Friday last by severe indisposition, which prevented his leaving home. The circumstances to which he would briefly refer, and which were no doubt present to the minds of their Lordships, took place in the north of Ireland, on the 12th of July of the present year. Upon that day there occurred an unhappy collision between two parties in that country, and in his own immediate neighbourhood, and which, in spite of any contradiction, he would maintain that he had endeavoured to do all he could to prevent; and he would further maintain that there was no individual in that country, or in any part of the kingdom, who more sincerely lamented the occurrence than himself. Observations had, however, been made elsewhere, of which he thought he had just reason to complain, inasmuch as they had referred personally to himself, and had tended to place him in a light in which he should be exceedingly sorry to remain, especially in the minds of their Lordships, whose opinions he so highly esteemed. With reference to these circumstances he found in one of the public papers (the *Morning Chronicle*), that it was reported to have been stated within the walls of Parliament, that with respect to those unhappy deaths which had taken place in the county of Down, that he "Lord Roden was the author of them." The report further stated:—

"What were the facts of the case? That Lord Roden, the late Grand Master of the Orangemen of that province, invited 1,500 men to enter his domain on the 12th July, armed to the teeth, dressed in all the gaudy colours which Orangemen wore upon their bloody anniversary; that he prepared a banquet for them; that he appeared among them in the dress of an Orangeman; that he read extracts from the Holy Bible to them; that he regaled them with beer, porter, and whisky; and, after all that had occurred, that they were to go to a place called Dolly's-brae, choosing a circuitous route, and a bad road, because the immediate district about Dolly's-brae was notoriously inhabited by Roman Catholics; that, not satisfied with spending the day in triumph, with shouts and songs and toasts of Boyne Water, when they became inebriated they determined to go to the very houses of their neighbours to insult them."

It was also reported to have been said that he attended and presided over the arrangements, that he purchased thirty barrels of ale for the occasion, and that at the conclusion of a rambling speech, he recommended them to retire peaceably, but if insulted to oppose force by force. He was anxious, in order to remove these charges, to state as briefly as he could what were the real facts of the case from the beginning to the end of the transaction, leaving their Lordships and the country to determine whether such charges were fairly made or not. He would not retort by any severe remarks upon those individuals who had brought forward such charges against him; he felt convinced that if there existed in their minds a spark of generosity, they must feel, now that they knew the real facts of the case, much to regret. During the year 1845 the Processions Act expired in Ireland. The people of Ireland were extremely attached to these processions, and the great mass of the humbler classes in Ireland had been with difficulty restrained from them even when the Act was in existence. He would also remind their Lordships, that in 1848 the spirit of rebellion was very widely spread through the southern and western portions of the kingdom, and great exertions were made on the part of the Government, and the noble Lord the Lord Lieutenant of Ireland, which were happily successful, to put down that rebellion. The great cry of those who were engaged in this rebellion was—"The Repeal of the Union"—this was the great "Shibboleth" of the party. It was strongly felt by the loyal people of Ireland, that there was a very large mass, not only of the higher but of the humbler classes of society, who were opposed to this cry, and who were anxious to put down the rebellion. In order to allow that feeling to be made known, arrangements were made for these parties meeting together upon the 12th of July, 1848. He confessed that he did not discourage that meeting, as he felt it was important that they should show to the country that there were large masses of loyal men who were opposed to "Repeal," and who were anxious to stand by the Government in the support of the Queen, and in defence of the liberties of the country. The tenor of the speeches made in Conciliation-hall was to the effect that no exertions should be spared to gain over the Orangemen to their ranks, and that if they could only succeed in their efforts, they would be able to carry repeal in spite of the 40,000 troops which the Government might send over to the country. The great numbers of men who assembled last year showed very clearly that any such attempt to win over the Orangemen would be vain and fruitless. About a fortnight before the 12th of July of the present year, he was waited upon by a gentleman who was the great leader of the Orangemen in that part of the country in which he (the Earl of Roden) resided, who informed him the Orangemen were desirous of paying him a visit upon the 12th of July, in order to testify their affection and attachment to him personally. He (the Earl of Roden) informed him that the visit would be unsatisfactory to him at his then advanced period of life and his infirm state of health; that those things which he once entered into, and which he once enjoyed, he did not then enjoy; and that he thought it would be much better if they would not carry their design of visiting him into execution: he also stated, that in consequence of one of the members of his family being in a very delicate state of health, the noise of such an assembly congregated together would, in all probability, be attended with injurious effects. The answer which he received to those observations was, that if the Orangemen were disappointed in their expectations of visiting him at his house, they would go to a field near it. Upon this he (the Earl of Roden) stated that he would take a couple of days to consider his decision. At the expiration of that period, he stated that he felt a pride in thinking that so many of his fellow-countrymen in the humbler class of life were anxious, at great inconvenience to themselves, to manifest such a feeling of attachment towards him; that he would not invite them; that he thought they would be much safer within the gates of his park than in Castlewellan; and that all he could say upon the subject was, that upon the 12th of July he would not shut his gates to any loyal men who might wish to enter. Upon their arrival at his gates, to the number of about 2,000, exclusive of women and children, he went out to meet them, and when opposite his own door, he had the opportunity of acknowledging their kindness for the proof they had given him of their attachment; and the whole assembly, at his request, passed by his house in so orderly and quiet a manner that no disturbance arose to the member of his family then confined in the sick chamber. Among the number of persons who were present, he could not but confess that he saw some of them armed; he sincerely regretted it, but until they came up to his door he did not know that any one of them was armed; but he certainly was not aware that the fact of their carrying arms made them an illegal assemblage. He thought that it could not be an illegal assemblage, because upon the 12th of July in the last year to which he had referred, when so many persons assembled together to support and uphold the legislative Union, and upon the 17th of March, when the procession of the Ribbonmen took place, upon both of which occasions great numbers of the parties were armed, and when, in fact, they fired a volley over his gate, no interference whatever took place on the part of the Government. With respect to the statement of the people being "armed to the teeth," all he could say was, that out of the two thousand and upwards who were present, he did not see more than three hundred or four hundred with arms in their hands. Those persons who had arms came from that part of the country where they expected to be attacked; but he believed that amongst all the assemblages of Orangemen in Ireland on that day, there was no instance of arms being carried, so far as he could collect from the information he had received. The procession passed by his door, and went to a field at the end of the park. Whatever difficulties they might encounter—whatever dangers they might incur—he felt it was the duty of the gentry of the country, holding the same opinions, to go with them, in order to preserve them from committing any acts of indiscretion. There was a platform erected, from which some gentlemen were anxious to address the people, and he was most anxious to have an opportunity of speaking with the people, whose principles he held out as his own, on that occasion. It was said they were feasted and furnished by Lord Roden with beer and porter, and made inebriate, in order to render them more fit for the work of fury. Now the circumstances with respect to that were as follow:—On the day but one before, he had his annual dinner for the school children, which they had every year, and 450 children sat down to table. He had always been in the habit of purchasing for that dinner a certain quantity of small beer; and knowing those persons came from a great distance, he ordered six barrels more of small beer for any of those who might have brought their families. That was the exact state of the case. It was said that he had made a rambling speech, recommending them to return by Dolly's-brae, and if they were opposed, to oppose force to force. And now he would read what he really said, and which was taken down by a person at the time:—

"My dear Brethren—I am anxious to express how grateful I feel for the spontaneous and unsolicited visit this day, on the occasion of our glorious anniversary. I feel that this is the most gratifying mark of your affection and attachment which you could have bestowed upon me and my family. The thousands of loyal men that I see around me—the waving banners of fifty lodges—the dense multitude, too great for any voice to reach—the magnificent scenery by which we are surrounded—the mountains of Morne echoing to your shouts—Slieve Donard, the mistress of them all, looking down upon our proceedings—the waters of the Shimna flowing beneath us, carrying the testimony of your loyalty to the ocean before us, makes it a glorious sight—one in which I wish every loyal man could have joined us to-day—one which I would delight in thinking that even those opposed to us were here to witness. But, much as I thank you for this visit, I feel the honour was not so much intended to me personally as to those Protestant principles which I hold, and which I have endeavoured to maintain for a period of thirty years' residence amongst you. I have learnt, and am convinced, that it is true Protestant principles, held up and maintained in this land, that can alone prove a guarantee for the liberties of all classes and denominations of the people; it is the right of private judgment in the study of God's holy word which is the chief blessing of any nation which avails itself of it. It is for this principle Orangemen contend, and which, I trust, they will never cease to assert, acting under the teachings of God's word, which enjoins forbearance and love to all. I trust you will ever show to those who disapprove of your organisation that you are not a faction driven by party violence to commit unlawful acts; that you do not desire to infringe on the liberties and happiness of others; but that you wish to see all denominations of your fellow-subjects enjoying the blessings which you seek for yourselves. It is a great pleasure to communicate to you on the present occasion the probable arrival of our Gracious Queen and Her Royal Consort in this country. Oh, that we could see her fairy bark now approaching that shore—that we could see her landing on that beach—how these woods would resound with the shouts of your thousand, ten thousand welcomes—how her eyes would sparkle at such a sight now before me, in the assembling of that multitude of loyal men, ready to lay down their lives in the defence of her Crown and her rights! [great cheering and shouting.] We have had much to complain of from the various parties who have ruled the country for the last twenty years. 'The rowers have brought us into deep water'—we have seen heavy blows and great discouragement given to Protestantism; but still maintain your loyalty—you will never forget, I trust, that your motto is unchanged—'*Semper Eadem;*' involving the preservation of our rights, the promotion of peace, and the welfare of all denominations of our fellow-subjects. I trust you will rather take evil than provoke it; that nothing will induce you, in returning to your homes to-day, to resent even any insult you may receive. May God bless you and uphold you, keeping you firm in your principles, determined to support the laws of the country, and enabling you by 'well-doing to put to silence the ignorance of foolish men.' I shall now conclude, asking you, before you go, to join me in three hearty cheers for her Most Gracious Majesty and her Royal Consort, and may they have a speedy voyage and happy arrival on our shores."

Those were the words he had made use of on the occasion, so far as he could remember; and was there a word in that to the effect that they were to return through Dolly's-brae, and not molest any one; but if they were opposed, to oppose force to force? He believed he had now trespassed on their Lordships' attention much longer than he would desire. He would go further, but he merely wished to confine himself on the present occasion to his own personal connexion with the affair. That was his advice to the people he loved, and with whom he had lived for so many years; an advice which they followed up to the period of the unfortunate attack that had caused such a melancholy result. He now trusted that he had satisfied every fair and reasonable man, that he was not liable to the charges that had been made against him.

The MARQUESS of LANSDOWNE hoped that the noble Earl, after the statement he had thought it his duty to make in reference to a matter affecting his character, would consider it a wise forbearance if he (the Marquess of Lansdowne) did not state anything himself with reference to the noble Earl's statement, and if he desired to be understood as neither assenting to nor dissenting from any part of that statement, which referred to a transaction which all must deplore, and which he was glad to hear the noble Earl, in common with every one else, lamented. That transaction had led to an amount of irritation not easy to describe, to a loss of property and life, and to a deep injury to the feelings of a large portion of the population. It had therefore been made the subject of inquiry, and it was not for him to anticipate what would be the result of that inquiry; but, whatever it might be, it would be made known, and their Lordships and the public would have the opportunity of judging in what circumstances a transaction, which had led to so unfortunate a result, had originated. All he would now observe was, that it must be a matter of deep regret to see a state of society in which, from no other motive and with no other provocation than the recurrence of certain days, proceedings should take place calculated to irritate the feelings of the population, and to lead to a loss of life, and that unexcused by any preceding acts of a nature to excite the passions. If there were no prospect of the cessation of such transactions, there could be no doubt that it would be the duty of the Legislature to interpose for the purpose of preventing them; but in the absence of any Act of Parliament for that object, it was quite clear, by the common law of the land, and according to the most eminent authorities in the law who had been consulted on the subject, that the bringing into movement multitudes, armed as it appeared in this instance—but, even when unarmed, in a mode calculated to excite public disturbance—was in itself illegal, and might be, and ought to be, prosecuted by the Government, by the magistrates, and by all well-wishers to the peace of the community, so that the offenders, for offenders they were, might be brought to justice for endangering that peace, which (far from there being anything in the peculiar circumstances of Ireland justifying any disturbances of it) there were, on the contrary, circumstances in the state of Ireland inculcating peculiar caution on every rational, loyal, and well-disposed subject of Her Majesty to preserve. Therefore the Government trusted, that, through the contemplated inquiry, justice would be done; and that, if necessary, the Legislature would interfere to put an end to such proceedings as those which had been alluded to; bearing in mind at the same time that they were contrary to law.

PROGRESS OF BILLS THROUGH PARLIAMENT.

LORD BROUGHAM considered that the noble Marquess had acted in a fair and judicious manner in abstaining from all comment on the subject which had been brought under their consideration by the noble Earl behind him, who, he thought, was most forward in performing what he conceived to be his duty, and in a manner very satisfactory indeed. He (Lord Brougham) having made that observation, begged to call their Lordships' attention to the subject of which he had given notice on the previous evening, with respect to the passage of Bills through Parliament. He did not then mean to propose any plan to their Lordships' attention to what he had so often urged upon them, namely, the absolute necessity of taking some course for duly providing somebody by whom Bills shall be prepared, and shall be watched during their progress through Parliament. It was part of his plan that there should be a Board appointed for the purpose of preparing Bills, and that that Board should have a final inspection of them. There was no intention on his part of controlling the Legislature. Unless the author of a Bill saw what was done to it during its progress, he could not be sure or certain that some mischief had not been done to it, which might not be discovered until after the Bill had become law. If he wanted an instance to illustrate the course which should be adopted, he could take it from the manner in which private Bills are prepared. There is a Chairman of Committees to examine all private Bills, and during all their stages in that and the other House of Parliament the same salutary revision was continued; and were it not for that revision no man could comprehend the extent of abuse that would be committed, or the embarrassment that would be created. This would arise from the passing of Acts deviating from the general law; but, above all, from clauses in the Acts themselves put in by contending parties, each one sacrificing a little to the other, and the other sacrificing a little to that party in order to obtain his consent, neither caring a farthing for other parties, nor one rush for the public, by which a vast mass of confusion in the law might be created, causing embarrassment to the court, and difficulty to practitioners, and, above all, injury to the public; and it was frightful to contemplate the evil that might be done were it not for the careful superintendence that was practised. If that were a good system with regard to private Bills, it would also prove useful with respect to public Bills. The existing law was very much to be considered in all the cases that arose; and the object of each particular Act was also to be considered, because the Bills themselves, from the want of superintendence, might do much mischief that the authors never intended, and might also render them totally inoperative. If he wanted an instance to support his statement, he might refer to what had recently taken place with respect to the Bankruptcy Bill. He mentioned the case to show what grievous consequences might arise from not attending to details, and from the originator of the measure not being consulted during the progress of the measure through Parliament. There was also another and recent case where they had to suspend the operation of an Act for six months, because it was not properly passed. Then there was another measure that came to them from the other House without a division, having reference to the Irish Chancellor's Secretary of Bankrupts, to which he might also refer in support of his argument. Having made these observations on this subject, he would refer to the course that had been taken during that Session with respect to voting by proxy, and he would move for—

> "Account of the Instances, for the Ten Years ending the 31st July, 1849, in which, Proxies having been called, the Result of the Division was such that the Majority of the Peers present was different from the Majority of the whole Votes, present and Proxy; distinguishing the Date of each Instance: and also—
>
> "An Account, for the like Years, of the Number of Times in each Year in which Proxies have been called."

He (Lord Brougham), however, begged it to be understood that he was not in favour of abolishing the system of voting by proxy.

Lord REDESDALE had listened with very great attention to the statement which the noble and learned Lord had just made, of the inconveniences arising from the want of a better system for the management and preparation of Bills, and for correcting any errors which may have been introduced into them during their course through both Houses of Parliament. No doubt if any practical measure could be devised for obviating all such errors and oversights, or getting such important business into a well-digested and consistent shape, it would be highly desirable, and a very beneficial thing for all parties. But he (Lord Redesdale) feared that this was precisely one of those cases where a measure, about the expediency of which there could be no second opinion in point of principle, would be found absolutely impracticable in execution. With regard to the constitution of any commission for the revision of Bills such as the noble and learned Lord seemed to glance at, that was a consideration of very grave importance, and suggested doubts in his (Lord Redesdale's) mind, as to how far the plan could be carried out without involving the most serious questions touching the privileges of Parliament. Of whom must such a commission consist, if not of persons "learned in the law," according to the technical phraseology applied to such bodies? and to what, in effect, would their revision of public and private Bills amount to, if not to a delegation by both Houses of their faculties of legislation? When an enactment is doubtfully expressed, or when it is contradictory to some other part of a Bill, it can frequently be construed in different ways with almost equal propriety; and the manner consequently in which palpable errors might be corrected, and in which in some cases two or more clauses of a Bill could alone be made consistent and intelligible, might make a total alteration of the law as intended to be enacted by Parliament. However valuable, therefore, such an Amendment in the mode of preparing Bills and other business might be, as the noble Lord had suggested, with a view to obviate in future those evils of which he had with so much reason complained, he (Lord Redesdale) must be permitted to repeat that he considered the object sought to be attained by his noble and learned Friend was wholly impracticable. He must, therefore, vote against it as a measure that would inevitably lead to more perplexity and confusion than any which it was designed to remedy. With respect to the calling of proxies, that, also, was a question of great delicacy and importance. He himself had been a Member of their Lordships' House now for about twenty years, and in all that period until the present Session he had never known more than two instances in which the proxies had struck a majority on the vote against a majority of "presents." The one of these was on the Earl of Wicklow's Motion in 1832 on Irish Education; the other was in 1846, on a Motion of the Duke of Richmond to hear the silk weavers at the bar against the proposed alteration in the silk duties. In both these instances a majority of one only among the "presents" was reversed by proxies. In the course of the present Session, however, this manner of using proxies had been pushed to a much greater extent. There had been no less than three very remarkable cases of this sort. In one of them, although on counting "presents" there appeared for a given Motion a majority of fourteen, it had actually been set aside by the proxies called. Still he was favourable, like the noble and learned Lord beside him, to the system of proxies; but he thought the calling for them should be governed by some sort of discretion.

The MARQUESS of CLANRICARDE was curious to know how any such discretion could be practically reserved if proxies were to be called at all; and again, how the noble and learned Lord who had just spoken meant to obviate the contingency of a majority of the "presents" being occasionally set aside on calling proxies. Suppose at a certain period of the Session, one-third of all the Peers had already left town, and deposited their proxies, such of them as wished to do so, with those Peers who remained. It was obvious that, on any contested question, there would always be a great probability, on proxies being called, of any majority of presents being outvoted.

LORD CAMPBELL inferred that the noble Lord's (Lord Redesdale's) notion of the discreet exercise of the power of giving in a proxy for an absent Peer, amounted to this, that when the resulting majority on any question in which he gave it happened to be on the side for which it was so given by him, he, the noble Baron, conceived he had exercised the privilege under due discretion; but when the majority was against the side supported by the proxy so contributed, then the noble Baron felt he had used his proxy indiscreetly.

The MARQUESS of LANSDOWNE was glad to find that the noble and learned Lord was in favour of retaining the use of proxies. At the same time, he thought it appeared, on the showing of the noble and learned Lord himself, that the difficulties likely to be experienced in regulating the sort of discretion with which he seemed to contend that the privilege should be always exercised, would be found in practice endless and impracticable. There were difficulties—there would be difficulties—as to the nature of the questions on which proxies should, and as to those on which they should not, be called. As to the commission for revising the Bills, and other business, from time to time coming before the House of Peers from another place, he was quite at a loss to see how the noble and learned Lord could hope to make provision for all conditions of the principles he desired to apply, without taking from this branch of the Legislature some of its chiefest and most peculiar functions. He found himself, therefore, unable to accede to any such proposal as that suggested by the noble and learned Lord. And it occurred to him to add, for the consideration of that noble and learned Lord, another element of difficulty in connexion with the possibility of regulating the discretion of using proxies, or indeed of calling them. What additional weight ought to be attached to the opinions of the Peer in whose hands other Peers, out of deference probably to the general soundness of these opinions, had confided their proxies? In short, he could see no way out of the many considerations that surrounded the suggestions which had been submitted to the House, and which, therefore, he trusted that the House would decline to adopt.

Lord BROUGHAM felt that no course remained to him but to withdraw his proposition, after what had fallen from the noble Marquess who had just sat down. But the noble Marquess would give him leave to say, when he talked of the impossibility of putting any control on the exercise of the privilege of calling proxies, that they had already established precedents for that control in several cases. For example, the Standing Orders had successively prohibited the questions in respect of all judicial questions, on divorce cases, and on votes of censure.

On Question, resolved in the *Affirmative;* Returns ordered accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 31, 1849.

Minutes.] New Member Sworn.—The Right Hon. Sir James Duke, for London.

Petitions Presented. By Mr. James Marshall, from Leeds, for Universal Suffrage, &c.; also for Redress of Grievances affecting Poor Law Medical Officers.—By Mr. Ker Seymer, from Wincanton, against the Marriages Bill.—By Mr. Scott, from Glasgow, against the Transportation of Criminals to the Australian Colonies.—By Mr. Hume, from Proprietors of East India Stock, respecting the Seizure and Annexation of Sattara.—From the Newspaper Stamp Abolition Committee, for the Abolition of the Duty on Newspapers.—From several Places in Lincoln, for Agricultural Relief.—By Lord Dudley Stuart, from Marylebone, for Recognition of the Hungarian Republic.—By Mr. H. Berkeley, from Bristol, for Prohibition of Interment in Towns.—By Mr. Tufnell, from Devonport, respecting Assistant Surgeons in the Navy.—By Mr. C. Anstey, from London, for a General Amnesty for Political Offences.—By Mr. Baillie, from Cheltenham, for an Alteration of the Poor Law.—By Mr. Tennent, from Belfast, for the Protection of Women Bill.—By Mr. Roebuck, from Sheffield, respecting the Opening of Railway Parcels.—By Mr. Fuller, from Ticehurst, for an Alteration of the Sale of Beer Act.—By Lord Robert Grosvenor, from Stoke Newington, for the Suppression of the Slave Trade.

POOR RELIEF (IRELAND) BILL.

Message from *The Lords*—That they do agree to the Amendments made by this House to the Amendments made by the Lords to the Bill, intituled, "An Act to amend the Acts for more effectual Relief of the Destitute Poor in Ireland," and that their Lordships do not insist upon the Amendments made to the said Bill to which this House have disagreed.

THE NEWCASTLE RAILWAYS—LORDS' AMENDMENTS.

Motion made, that the Lords' Amendments be considered to the York, Newcastle, and Berwick Railway, and Maryport and Carlisle Railway (Lease and Amalgamation) Bill; and to the York, Newcastle, and Berwick Railway (Newcastle-upon-Tyne and Carlisle Railway Lease and Amalgamation) Bill.

Motion made, and Question proposed, "That the said Amendments be now read a Second Time."

Mr. FOX MAULE, after tracing the history of the progress of these Bills through both Houses of Parliament, moved that the Amendments of the Lords be taken into consideration that day three months. He reminded the House that at the time when Railway Bills were introduced in considerable number, a Committee appointed to consider the subject of amalgamation had reported that, while the amalgamation of continuous lines might be of public advantage, the House should look with great jealousy upon any proposal to amalgamate lines running at right angles. These Bills were for that purpose; and they had passed through their stages without any opportunity being given for the introduction of clauses protective of the public interest; or for the proprietors of parallel lines to state their objections to the measure. Upon this principle the Commissioners of Railways had recommended the House of Lords to reject the Bills rather than pass them without protective clauses; but the clauses inserted for that purpose by the House of Lords were insufficient for the purpose, and now the commissioners were precluded by the Standing Orders from amending the Bill in any way so as to protect the public interests. It was the duty of the House to protect the public; and he thought that the circumstances warranted the rejection of the measure.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day three months."

Mr. HEADLAM contended, that after the Bill had run the gauntlet of Committees of both Houses, it ought not, except upon the very clearest grounds, to be rejected at this stage. To do so would be a great hardship upon the parties whose interests were concerned. At the last moment the Lords had introduced a compulsory audit clause in both Bills; but although that was very objectionable to the parties, they preferred having them with that clause to having no Bill at all. The measure had been fully considered by all the parties concerned, and he hoped that the House would not now concur in a proposal for its rejection on the application of its opponents.

Sir J. GRAHAM hoped that the House would permit him to make one observation personal to himself, before speaking on the question before the House. He had hardly ever thought it his duty to take any part in the conflicts of the adverse interests of competing railways in that House. He had never held, and did not now hold, a single share in any railway. He had therefore no personal interest whatever in the matter, and in the opinion he was about to give he was actuated solely by a sense of what was due to the public interests, particularly in that district in Cumberland with which he was more immediately connected. This was simply a matter of competition between two great parallel lines of communication between the metropolis and Edinburgh and Glasgow, one going eastward through Derby and Berwick, and the other westward by the Trent Valley to Glasgow. It was obviously for the public interest and for the promotion of competition, that the traffic on the line communicating between the two seas should be left to flow perfectly free, east or west, as public convenience might dictate, and that there should be no interruption by high rates and fares as regarded either passengers or goods between Newcastle and Carlisle, and the coal and the manufacturing districts. But if this power were placed in the hands of the directors of the eastern line, they could fix what rates and fares they chose on the Newcastle and Carlisle line, and thereby the traffic would be thrown into a circuitous route. It was highly important, therefore, that the Newcastle and Carlisle should be kept a perfectly independent line. Mr. Hudson had evidently thought that it would be highly advantageous to the line with which he was connected to get possession of the line which crossed it at right angles, for he had made a communication to the shareholders of the eastern line, when he proposed the amalgamation, which sufficiently disclosed the real object of this Bill, and showed the effect it was to have. The right hon. Baronet here read a passage from the document he referred to, and which was to the effect that "the directors were precluded by obvious considerations from giving publicity to all the details, and the various circumstances from which the conclusion must be drawn, that the control of these lines from Newcastle to Carlisle, and from Carlisle to Maryport, would be of vital importance to the York, Newcastle, and Berwick Company. The inclosed map showed how protective to the eastern route would be the possession of the line from Newcastle to Carlisle." Nothing could be more expressive and intelligible than this. It would enable the directors of the eastern line to obtain a complete monopoly, and debar the western line from all communication with Newcastle and the east. He found that the Railway Board had been desirous of inserting the necessary protective clauses, but that the railroad speed with which the promoters of the Bill proceeded, had deprived them of the opportunity, and before they could effect that object the Bill had passed. Under these circumstances, those who thought that the public interests on the western coast were at stake, were driven to a course which he admitted was unusual, that of rejecting the Lords' Amendments at the last moment. He would not now go into the question of the audit clause, as it would be a waste of time if the Amendments were rejected. He had formed the most distinct opinion that the public interest would be best consulted by the rejection of this Bill, and he should, therefore, support the Amendment.

Mr. LABOUCHERE said, that the opinions he was about to express were those of himself alone, and were not to be received as those of other Members of the Government. The inconvenience of transferring questions of this kind from Committees to the House at large, had been frequently urged, and his decided opinion was, that the precedent of that House taking upon itself to reverse the decision of its Committees, would be most dangerous. It must be a very clear and strong case indeed which could induce him to vote as a private Member of Parliament in a manner adverse to a previous opinion of a Committee of the House; and he could not give a better proof of his sincerity than by the vote he was about to give against his right hon. Friend and Colleague the Member for Perth. He had no doubt that had he been a Member of the Committee he should have voted against the Bill; but to set the Board of Railways as an authority above that House, was not placing that board in the position in which it ought to stand. It was the duty of the Railway Board to furnish the Committees of the House with details and information, and the decision of the Committees should be final. Therefore, although as a Commissioner of Railways he was against this Bill, much on the same grounds as those stated by the right hon. Baronet the Member for Ripon, yet, upon the principle laid down as to the practice of the House not to reverse the decisions of its Committees, and also thinking that injustice would be done to the parties by the rejection of this Bill in its present stage, he should vote for agreeing to these Amendments.

SIR J. GRAHAM asked whether it was not the intention of Earl Granville, on the part of the Railway Commissioners, to move two clauses—the equal rate and running clauses—and whether he was not prevented by the rapidity with which the measure was passed from moving those clauses, which, it seemed, could not now be added?

MR. LABOUCHERE said, it was quite true that it was the intention of the Railway Commissioners to suggest some clauses—he did not say these two—which they thought would have been desirable, though not absolutely necessary.

MR. CARDWELL said, that he had been, almost from the commencement of that undertaking, interested in the London and North-Western Railway, and he had also the honour of representing the interests of the town of Liverpool. In referring to the manner in which the Bill had been carried through the other House, he considered that after the powerful manner in which the right hon Gentleman the Member for Perth had stated the merits of the case, it would be unnecessary for him to enter into any further details; but having the honour to represent there no inconsiderable portion of those interests on the western side of the island, he had a right to protest against their—under shelter of a mere technical error—interfering to consign the link between the eastern and western sides of the island to one party without the benefit of equal running clauses, and thereby, for the mere sake of a technical objection, building up a wall stronger than a wall of brass between the free communication between the port of Newcastle and the port of Liverpool.

MR. T. GREENE said, there was a considerable degree of principle involved in the course the House was about to adopt; and although he felt he should incur some unpopularity by his vote, he felt bound to resist the proposition of the right hon. Gentleman the Member for Perth. The right hon. Gentleman's arguments would be good upon the second or the third reading; but after the promoters had gone to enormous expense, he objected to advantage being taken, at the close of the Session, of a ground of opposition which had failed before. Let the Amendments be considered one by one; but to throw out the Bill upon its merits at this stage, was a step he should be sorry to see the House take.

MR. FOX MAULE explained that if it had been practicable for him to have taken the Amendments in detail, he would have done so; but there were technical objections which compelled him to adopt the course he had.

MR. ROEBUCK inquired if the two clauses referred to were necessary in consequence of the Amendments made in the Bill by the Lords; if so, the House ought to support the view of the right hon. Baronet the Member for Ripon; but, if not, he did not think they would be justified in reversing the decision of the Committees of both Houses.

MR. LABOUCHERE replied in the negative, adding that the running clauses could have been advantageously introduced if the Bill had been unaltered.

MR. SPOONER, as an ordinary rule, thought the decisions of Committees ought to be supported by the House; but where an amalgamation had taken place, by which a monopoly might, as had been shown, be created without running clauses and equal rate clauses being inserted, the case was otherwise. The best course would be to throw out the Bill, for the House had no right to inflict injury upon third parties.

MR. LABOUCHERE explained, in reference to his answer to the hon. and learned Member for Sheffield, that equal running clauses had frequently, but not universally, been introduced into Railway Bills.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 42; Noes 61: Majority 19.

Words added; Main Question, as amended, put, and agreed to.

Further consideration of Amendments put off for three months.

BANKRUPT LAW CONSOLIDATION BILL.

On the Question for considering the Lords' Amendments to this Bill.

The ATTORNEY GENERAL said, that these Amendments amounted virtually to only two. The first was in the eighth section, where power was given to the commissioners to meet together and to make rules with the sanction of the Lord Chancellor; and the Lords had added the words in the part of the clause where the meeting of the commissioners was mentioned, "Of which the senior commissioner shall be one." There could be objection to that Amendment. The other was the insertion of the word "not," which his hon. and learned Friend the Member for Sheffield had complained of, as having been accidentally omitted. With regard to that omission, it was right, however, to say that it was perfectly immaterial, as the context of the clause would show the object with sufficient distinctness. A complaint had been made elsewhere that the Committee by whom this Bill had been considered, had not a just proportion of equity lawyers upon it, and that it consisted principally of eminent merchants belonging to the House. As, however, the interference with the Bill complained of related not to technical points on which the assistance of legal Members might be necessary, but to clauses affecting matters of trade, it was clear that mercantile men were those best qualified to give an opinion upon such matters. It was also alleged that the Committee had not examined legal witnesses; but they had the benefit of the evidence of Vice-Chancellor Knight Bruce; and as the other learned personages had been examined before the Committee of the House of Lords, and as the printed evidence had been laid before the Commons' Committee, it was unnecessary to examine them over again. He begged leave to add that he considered great credit was due to the noble Lord who had charge originally of this Bill, and he was sure they all felt most grateful to his Lordship for his labours in this matter.

Mr. ROEBUCK said, that he had on a previous occasion complained of the blunder committed in the Irish Bankruptcy Bill; but he attributed no blame to his hon. and learned Friend the Attorney General on the matter, as he had far too much to do to be expected to read through these Bills.

Mr. MULLINGS said, it had been stated by a noble and learned Lord in another place, that the only lawyers on the Committee had been the Attorney General and the hon. and learned Member for Midhurst. But his hon. and learned Friend the Solicitor General, the hon. Member for Leominster, the hon. Member for Kilmarnock, and himself, who were also Members of the Committee, had all been bred up to the law. The noble and learned Lord had also been represented to have complained that the Bill contained 367 clauses when sent down to this House, and that it came back with only 278 clauses —no less than 89 clauses having been struck out. But it was right the public should know that the clauses struck out had reference to salaries, and, he would add, increased salaries in some cases, and to retiring allowances and pensions, and other matters that they thought ought not to be included in the Bill. There were only two matters of importance with regard to which the clauses had been struck out. These were the "secret transfer" clauses, and the "execution" clauses. He considered that the secret transfer clauses, if they had passed into a law, would have been a greater blow to credit than had ever before been inflicted. The 106th Clause provided that every secret transfer should be in itself an act of bankruptcy; while the 107th Clause provided that all transfers and dealings with property by the bankrupt for two months prior to his bankruptcy, should be deemed a secret transfer and an act of bankruptcy. He had himself put the question to the noble and learned Lord, "Supposing a bankrupt had property mortgaged for 2,000*l.*, and that he should pay off that mortgage, and redeem the property for the benefit of his assignees, would not the effect of these clauses be that the unfortunate mortgagee would be liable to have his money taken from him?" And the answer of the noble and learned Lord was, "Upon my word I believe that would be the effect of them." Another clause, known as the clergyman's clause, had been introduced from the Insolvent Debtors Act by a blunder. With regard to the execution clauses, he had an interview with the noble and learned Lord the night before the Bill passed, and the noble and learned Lord then gave his most unqualified assent to these clauses being struck out. He begged to add on behalf of his hon. and learned Friend the Member for the University of Dublin, that he was extremely grieved to think that he had inadvertently prevented the Attorney General from looking into the Irish Bankruptcy Bill, to which allusion had been made, by having assured him, on the faith of the parties who had forwarded it from Dublin, that the clauses were all correct, which was afterwards found not to be the case.

MR. FORSTER said, as one of the mercantile Members of the Committee, he begged to state that he thought that body had been badly treated by a noble and learned Lord in another place. The great offence of the Committee was, that they had not passed the secret transfer clause; but he, for one, was as anxious as any man to prevent secret and fraudulent transfers, but the difficulty which the Committee could not surmount was, how that object could be carried safely into practical effect.

Lords' Amendments agreed to.

THE SATTARA TERRITORY.

MR. HUME said, the Motion which he had to bring forward on this occasion with regard to the conduct of the East India Company, in connexion with Sattara and the family of the late Rajah, was one more intimately connected with the principle of religious liberty than perhaps any which the House had had to deal with during the present Session, and in bringing it forward he had very great difficulties to deal with. On the 1st of March last he had moved for papers connected with the subject of this robbery and violation of religious liberty; but though they might easily have been furnished in twenty-four hours, they had not yet been laid on the table of the House. He also felt the disadvantage of not having much chance of an audience on this occasion. He wished to protest against the downright robbery inflicted by the East India Company in this case, without entering at all into the injustice with which they had treated the late Rajah. Her Majesty's President of the Board of Control had again and again declared that due attention should be paid to the rights of the heirs of the late Rajah; and it was because he thought that justice required this to be done, and because he had a strong feeling with regard to the injury which the character of the East India Company would receive by joining with robbers and plunderers, that he now asked the House to agree to the resolutions of which he had given notice. It was a source of deep regret to him to see the East India Company influenced by such a downright greed for the acquisition of new territory. The hon. Member read an extract from a letter of Mr. Mountstuart Elphinstone, stating that he had never given it as his opinion that the treaty with the late Rajah had lapsed, or that his heir had no just claim, and that he attached the ordinary meaning to the word "perpetuity" in the treaty that was held in all Indian treaties. But there had been also a violation of the religious rights of the natives in this case. They had such another interference with the Budhist worship in Ceylon lately which had led to the destruction of human life, of which the House would hear more next Session; and this interference was the more to be regretted, as in past times the East India Company had always carefully abstained from interfering with the religious worship of the natives. He was now merely putting the question in a train for the next Session. He was putting the Government in possession of the ground upon which he meant, at an early period of the next Session of Parliament, to move for an inquiry. He should, therefore, not go into the question at any length, nor lay before the House the proofs that he had prepared. He should merely say briefly that he had then a copy of a minute signed by an hon. director who was a Member of that House, and by nine other directors, which stated that there was no collateral heir to the property of the late Rajah, and that, therefore, the Company was entitled to assume the property. But the fact was that there were family heirs to the number of thirty in existence. And what did Mr. Frere, who was the Resident at Sattara when the late Rajah died, say? Why that he knew of no heirs but by adoption. And he added, that the Hindoo law was, that an heir by adoption, an heir adopted by a dying Rajah, caused all collateral heirs to be set aside. That was a religious custom of the Hindoos, and to set it aside was an infringement upon their religious liberty. [Sir J. C. HOBHOUSE: No, no!] Yes; he repeated it was. But there were hon. and right hon. Gentlemen in that House who would say anything, or deny anything, to serve their ends. There was the evidence of Mr. Tucker, the most experienced of any of the officers. He said that the words of the treaty made by Mr. Mountstuart

Elphinstone confirmed the property and sovereignty of Sattara to the regent and his offspring or heirs, so that to assume the sovereignty and property whilst there were living heirs, was a breach of the treaty, and a violation of the law. Mr. Shepherd took the same view. Yet the very last mail brought, he believed, papers that announced the proclamation, declaring the sovereignty annexed to the East India government—a proclamation which damned for ever the Court of East India Directors. It was an act worthy only of the barbarians of the north. It was the triumph of might over right to seize that which they had themselves secured by treaty to the possession of those from whom they now took it. Major Oliphant, Colonel Caulfield, and Sir Henry Willoughby were all against such a spoliation, and he was confident that success could not attend such acts. He would remind the House that there were Acts of Parliament on the Statute-book which strictly prohibited in the strongest manner such acts of spoliation. The 21st George III. provided for the observance of the Hindoo law in all matters, whereby the property of families was secured to the heirs who were heirs according to the custom of the country. The 33rd George III., was still more explicit upon the subject. Yet a greater violation of Acts of Parliament, or a greater act of injustice was never perpetrated, than this seizure of property of the Rajah of Sattara. Upon these grounds he protested against the proceeding. He should move the resolutions of which he had given notice, leaving the House to deal with them as they thought fit, and early next Session he would bring the whole question forward, in the hope of being able to shame those robbers, spoliators, and violators of the rights of property. [Sir J. W. HOGG: Hear, hear!] Yes, he saw one of the robbers before him—a robber of the property and a violator of the religion of the Indian people. And what was the great object of thus seizing upon a little revenue of some 120,000*l.* or 130,000*l.* a year to a Company possessing a revenue of above 20,000,000*l.* annually? He did not know how much more had lapsed to them lately by war, but they had 20,000,000*l.* a year before. They were like the rich man in the Scripture, who, not content with all his vast possessions, should seize upon the one little lamb which was all that his poor neighbour had.

Motion made, and Question proposed—

"That it appears from the Papers laid before this House, that, by the Law and usage of India, as recognised by the British Government, and distinctly expressed in a Minute of Sir Charles Metcalf, Lieutenant Governor of the North Western Provinces of India, and dated the 28th day of October, 1837, that Hindoo Princes, in failure of heirs male of their body, have a right to adopt, to the exclusion of collateral heirs, and of any supposed reversionary right of the paramount Power; and that the British Government is bound to acknowledge the adoption, provided that it be regular and not in violation of Hindoo Law:

"That the East India Company, by a treaty concluded on the 25th day of September, 1819, ceded the territory of Sattara to the Rajah of Sattara, his heirs and successors, in perpetual sovereignty, which treaty was confirmed on the 4th day of September, 1839, when his brother and successor was raised to the Throne:

"That both the Rajahs died, leaving heirs by adoption, heirs by blood, and collateral heirs:

"That the East India Company nevertheless (without giving an opportunity to any claimants of stating their claims) have set aside the Hindoo law of succession, and have ordered the Sattara territory to be annexed to the British Dominions, on the plea that it has lapsed by failure of heirs:

"That such a proceeding being in violation of national faith, and against the recognised rights of all the Sovereign Princes of India, it is the opinion of this House, that the orders for annexing the Sattara territory should be suspended, until those members of the family who have the right to claim to be heirs to the throne have been heard, and their rights determined."

SIR JOHN HOBHOUSE said, that if his hon. Friend had had a right to make any complaint of the manner in which he had been treated, he (Sir J. C. Hobhouse) had also some right to complain. The act to which his hon. Friend had alluded, and of which he complained, which declared that the sovereignty of Sattara should be assumed by the East India Company, was an order of the Court of Directors, dated so far back as the 24th day of January last. His hon. Friend, and those who acted with him, had full knowledge of the fact; and if anything effectual was to have been done, it should have been done at or immediately after the meeting of Parliament, which took place on the 1st of February. There were, however, several occasions afterwards on which he might have brought it forward, when he (Sir J. C. Hobhouse) was in his place ready to answer any question, or to disprove the statements of his hon. Friend, so that it was no fault of his if the question—of which he was surprised his hon. Friend was not completely tired, as for his part he certainly was—had not been brought forward before. As his hon. Friend had not entered at large into the question, he would not do so upon the present occasion; but he could not avoid replying to one or two observations of his hon. Friend—assertions for which there was so little foundation, in truth or fact that he was surprised how any hon. Gentleman could, by any possibility, have fallen into such errors. His hon. Friend had said, that the assumption of the property of the Rajah of Sattara was an interference with the religious liberty of India. Now, he was perfectly aware that the custom of India was, that an adopted son and heir took the property of the deceased, but certainly not the sovereignty where there was a paramount State. His hon. Friend and those who acted with him in this matter, seemed entirely to forget that the British power in India was paramount; that it had succeeded to the power which it had crushed; and that those parties could not by adoption make heirs to their sovereignties, as well as to their personal property, without the sanction and permission of the paramount State. He had never heard the doctrine that they could do so broached until that discussion. He well recollected that when the hon. Gentleman, with several others, came to him as a deputation upon the subject, neither his hon. Friend nor any one of the deputation adverted to the point, although it was just the very point on which the whole question turned. He had there quotation upon quotation from the best authorities which entirely disproved such an assertion. Mr. Mountstuart Elphinstone gave no opinion upon the point. He expressly reserved it. He admitted the right of adopting an heir so far as the personal property was concerned; but he expressly reserved the question so far as the sovereignty was involved, Next, as regarded the treaty by which the Rajah received the sovereignty from the British. They had crushed the real master of the Mahratta empire, the Peishwah; and the question they had next to consider was, whether or not they would put up a smaller sovereign subordinate to themselves, and they did set up such a sovereign. The deposed Rajah at Benares himself said, that he was only the creation of the British power. When the question came before him (Sir J. C. Hobhouse) as President of the Board of Control, he had to consider the law and the opinions sent to him. He found the Earl of Auckland, the Earl of Dalhousie, the Government of Bombay, with the single exception of Mr. Clarke, the Court of Directors of the East India Company, with the exception of only five out of twenty-four, all in favour of annexing the principality to the British Government of India. Next came the Court of Proprietors, and they affirmed the decision of the Court of Directors by a majority of 297 to 96. What was he to do? In this country everything was done by majorities, from the Houses of Parliament to the humblest meeting. What did his hon. Friend want to have done? He talked about having the order of the Directors suspended. Why, it was too late—the thing was done. It was done on the 24th January last. And supposing that by any accident the House of Commons were to pass a resolution to suspend or rescind that act of the East India Company, did his hon. Friend think that it would have the least effect? It certainly would not have the least effect upon the proceedings of the East India Company, or upon the Government of India. So long as the Court of Directors and those parties to whom the Government of India was entrusted existed, and held their power, those under consideration were the very acts which should be left to their discretion and responsibility. As to the paper at which his hon. Friend had expressed his surprise, which was drawn up by the hon. Member for Guildford, he could only say, that if he had not known the powers of that Gentleman, he would have been surprised at such a masterly performance. It was a most complete answer to his hon. Friend's case. It showed that there was not the least shadow of a pretence to say that the British had violated any treaty or law by their act of annexation. Having all the authorities and all the majorities upon one side, what was he to do? [Mr. HUME: Do justice.] Yes; it was very easy to say, "do justice." But what was justice? Were they to acknowledge the collateral heirs, or the adopted heirs? If they acknowledged the adopted Benares boy, they would disgust and dissatisfy every one of the five dissentient directors, for there was not one of them who supported his case. Appa Sahib, the late Rajah, when he heard of the adoption of the Benares boy, asked how it could be done without the consent of the British Government; thereby showing that he did not consider that the sovereignty could be given away without the consent of the paramount Power. But if they gave the sovereignty to the adopted son of Appa Sahib, they would dissatisfy the adherents of the deposed Rajah, both in India and England; whilst if they favoured any one of the thirty collateral families, they must dissatisfy the friends of the two deceased Rajahs. But the whole claim originated in the treaty made with Mr. Mountstuart Elphinstone, in 1819, and no family claims could be admitted that were traced farther back, it being then that the principality itself was created. Under all the circumstances the Court of Directors were bound to act according to the opinion of the majority, and they had done so. He would not go into a refutation of the very hard language and the strong terms applied by his hon. Friend. There was one hon. Gentleman, the hon. Member for Honiton, whom his hon. Friend had designated as one of the robbers and spoliators. The Earl of Dalhousie and the Earl of Auckland, the nineteen directors, and the 297 proprietors of East India Stock, were others of the robbers and spoliators. Such strong language only showed that his hon. Friend was very much in earnest; so much so, indeed, as to be hardly prepared to weigh the merits of the case fairly.

Mr. G. THOMPSON asked whether the promised money had as yet been paid to the Ranee?

Sir JOHN HOBHOUSE said, that the money had not as yet been paid to the Ranee, or widow, because she refused to give a receipt for it. It had been repeatedly offered, but she would not give a receipt. In reference to this part of the subject, he must say that Purtaub Sing was reputed to have left a considerable sum behind him.

Sir E. T. COLEBROOKE could have no doubt, after the speech of the right hon. Gentleman the President of the Board of Control, that important principles affecting the government of India were involved in the present question. The right hon. Gentleman held it to be a new doctrine that Hindoo princes had a right to adopt heirs, and identified himself with opinions expressed in India, especially by the Earl of Dalhousie, which seemed to strike at the root of the rights of Hindoo princes, namely, that Hindoo princes had no power to adopt heirs, without the consent of the British Government, as the successor of the sovereigns who were lords paramount of India. But the British Government had no right with reference to those princes except what they obtained by actual cession, or could spell out from treaties. What was the opinion of Sir C. Metcalfe?—

> “Those who are sovereign princes in their own right, and of the Hindoo religion, have by Hindoo law a right to adopt to the exclusion of collateral heirs or of the supposed reversionary right of the paramount Power.”

Independently of the present question altogether, he would, in the next Session of Parliament, submit to the House a Motion on the rights of Indian princes; but with respect to the terms in which the Indian Government "ceded the perpetual sovereignty" of Sattara to the Rajah and his successors, he must be permitted to remark that the construction attempted to be put upon the treaty by the Government was at variance with the public law both of Europe and of India.

Sir JOHN HOBHOUSE said, the assertion that the British authority in India was not the paramount power there, was to him a perfectly novel doctrine. Sir C. Metcalfe's opinion did not interfere with that question. What Sir C. Metcalfe said was, that—

> “There is a wide distinction between sovereign princes and jagheerdars, between those who are in the position of hereditary sovereigns in their own right, and those who hold grants of land or public revenue by the gift of the sovereign or the paramount authority.”

The Rajah of Sattara stood exactly in the position of the latter class.

Mr. ELLIOT wished it to be understood, with reference to a statement made by the hon. Member for Montrose, that the whole of the religious rites had been performed in this case, and that under these the boy inherited the personal property.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter after Four o'clock.

HOUSE OF LORDS,

Wednesday, August 1, 1849.

Minutes.] Public Bills.—*Received the Royal Assent.*— Consolidated Fund (Appropriation); Cruelty to Animals Prevention; Boroughs Relief; New Forest and Waltham Forest; Inclosure Act (Extension of Powers); Municipal Corporations (Ireland); Collection of Rates (Dublin); Dublin Improvement; Pilotage); New Zealand Land Conveyances; Admiralty Jurisdiction in the Colonies; Leasehold Tenure of Lands (Ireland); General Board of Health; Metropolitan Sewers; Slave Trade (Persian Gulf); Treasury Instruments; Customs; Stamp, &c. Allowances; Workhouse Loans (Ireland); Turnpike Acts Continuance; Small Debts Act Amendment; Poor Relief (Ireland); Joint Stock Companies Act (1848) Amendment; Royal Pavilion (Brighton); Chapels of Ease (Ireland); Judgments (Ireland); Petty Bag, &c. Offices Amendment; Bankruptcy (Ireland); Poor Law Union Charges Act Amendment; Bankrupt Law Consolidation; Drainage of Lands; Nuisances Removal and Diseases Prevention; Defects in Leases Suspension; London Corporation.

Petitions Presented. By Lord Campbell, from the University of Edinburgh, against any Alteration of the Law of Marriage.

THE RIVER PLATE.

The EARL of HARROWBY said, he had observed in one of the morning newspapers what professed to be an official copy of a convention to re-establish relations of friendship between France and the Argentine Confederation, which had been agreed upon between Generals Rosas and Oribe and the French Admiral Le Predeur. According to this convention, General Oribe, was to be acknowledged as President of the Republic of Uruguay. The articles of the convention were completely at variance with all the expectations which had been held out in that House; and he wished to ask whether the President of the Council was aware that a document of this kind had been presented to the French Government, and had received their sanction? He (the Earl of Harrowby) would urge Her Majesty's Government to use their influence with the French Government, with a view to prevent the independence of the Republic of Uruguay from being destroyed—that republic having been placed virtually under the protection of England.

The MARQUESS of LANSDOWNE stated that he had no knowledge of the specific terms of the treaty to which the noble Earl referred beyond what he had derived from the source mentioned by the noble Earl—the newspaper published that day. This was a transaction between the French Republic and General Rosas, President of the Agentine Republic, and Her Majesty's Government could have no official knowledge on the subject that was not obtained from communications from the French Government. Her Majesty's Government had taken measures to be apprised of the ratification of such a treaty; but, according to the last information they had received, no determination could be come to on this matter by the French Government until the return of the President of the French Republic from a lengthened journey. He (the Marquess of Lansdowne) must, therefore, decline stating what steps Her Majesty's Government might think it advisable to take until they had received communications from the French Government, expressing their views upon the question.

PROROGATION OF THE PARLIAMENT—SPEECH OF THE LORDS COMMISSIONERS.

The Parliament was this day prorogued by Commission.

THE LORDS COMMISSIONERS, namely, the Lord President of the Council (the Marquess of Lansdowne), the Lord Privy Seal (the Earl of Minto), the Post Master General (the Marquess of Clanricarde), the Earl of Saint Germans, and the Chancellor of the Duchy of Lancaster (Lord Campbell), being seated at the foot of the Throne, and the Commons, preceded by their Speaker, being present, the Royal Assent was given to several Bills. The LORD PRESIDENT, on behalf of the LORDS COMMISSIONERS, then delivered the following Speech:—

"*My Lords, and Gentlemen,*

"WE have it in command from Her Majesty to inform you, that the State of Public Business enables Her to dispense with your Attendance in Parliament, and to close the present Session.

"HER Majesty has directed us to express Her Satisfaction with the Zeal and Assiduity with which you have discharged the laborious and anxious Duties, in the Performance of which you have been occupied.

"HER Majesty has given Her Assent to the important Measure you have passed to amend the Navigation Laws, in full Confidence that the Enterprise, Skill, and Hardihood of Her People will assure to them a full Share of the Commerce of the World, and maintain upon the Seas the ancient Renown of this Nation.

"HER Majesty has commanded us to acquaint you, that the Friendly Character of Her Relations with Foreign Powers affords Her a just Confidence in the Continuance of Peace.

"THE Preliminaries of Peace between *Prussia* and *Denmark* have been signed, under the Mediation of Her Majesty; and Her Majesty trusts that this Convention may prove the Forerunner of a definite and permanent Treaty.

"Her Majesty's Efforts will continue to be directed to promote the Restoration of Peace in those parts of *Europe* in which it has been interrupted.

"*Gentlemen of the House of Commons,*

"We are commanded by Her Majesty to return you Her Thanks for the Provision which you have made for the Public Service.

"The Public Expenditure has undergone considerable Reductions within the present Year, and Her Majesty will continue to apply a watchful Economy in every Branch of the Public Service.

"*My Lords, and Gentlemen,*

"We are commanded by Her Majesty to congratulate you on the happy Termination of the War in the *Punjaub.* The Exertions made by the Government of *India*, and the Valour displayed by the Army in the Field, demand Her Majesty's warmest Acknowledgments.

"Her Majesty has observed with Gratification the Spirit of Obedience to the Laws which has been manifested by Her Subjects during the Period which has elapsed since Her Majesty last addressed Her Parliament.

"It is the Characteristic of our Constitution that it renders the Maintenance of Order compatible with the fullest Enjoyment of Political and Civil Liberty.

"The Satisfaction with which Her Majesty has viewed the peaceful Progress of Her People in Arts and Industry has been greatly alloyed by the Continuance of severe Distress in one Part of the United Kingdom.

"Her Majesty has observed with Pleasure your liberal Exertions to mitigate the Pressure of this Calamity; and Her Majesty commands us to thank you for your unremitting Attention to Measures calculated to improve the general Condition of *Ireland.* It is Her Majesty's fervent Hope that it may please the Almighty Disposer of Events to favour the Operation of those Laws which have been sanctioned by Parliament, and to grant to Her *Irish* People, as the Reward of that Patience and Resignation with which they have borne their protracted Sufferings, the Blessings of an abundant Harvest, and of internal Peace."

Then a Commission for Proroguing the Parliament was read; after which the LORD PRESIDENT said—

"My Lords, and Gentlemen,

"By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to Tuesday the Ninth Day of October next, to be then here holden; and this Parliament is accordingly prorogued to Tuesday the Ninth Day of October next."

HOUSE OF COMMONS,

Wednesday, August 1, 1849.

MINUTES.] PETITIONS PRESENTED. By Mr. Hume, from Todmorden, against any Alteration of the Factories Act. —By Mr. Cobden, from Leeds, for Recognition of the Hungarian Republic.—By Mr. George Thompson, from Clapham, for Prohibition of Interment in Towns.—From Chelsea, for an Alteration of the Poor Law.

MILITARY OPERATIONS IN THE PUNJAB.

Mr. SPEAKER acquainted the House, that he had received from the Right Honourable the Earl of Dalhousie the following letter, in return to the Thanks of this House, transmitted by him to his Lordship, in obedience to the Commands of this House of the 24th day of April last:—

"Simla, June 14th, 1849.

"Sir—I have had the honour of receiving your letter of 25th April, inclosing the Resolutions which on the preceding day had been adopted by the House of Commons.

"In obedience to the request of the House, I have communicated those Resolutions to General Lord Gough, G.C.B., and to the several Officers referred to therein.

"On my own part, I beg permission to express the gratitude and pride with which I have received this distinguished mark of the approbation of the House of Commons.—I have the honour to be, Sir, your obedient and faithful servant,

"DALHOUSIE.

"To the Right Honourable The Speaker
of the House of Commons, &c."

ITALIAN REFUGEES.

MR. MONCKTON MILNES said, that it had been mentioned in the public prints that the Governor of Malta had thought fit to prevent certain persons landing in that island, those persons being refugees from Rome. Whatever political opinions might be entertained by different parties respecting their cause, their bravery had undoubtedly excited the admiration of the civilised world. He therefore asked the Under Secretary of State for the Colonies whether it was true that those persons had not even been allowed to land in Malta, and whether the English authorities were going to imitate that want of hospitality of which there had been such flagrant instances in a neighbouring nation?

MR. HAWES said, that the refugees to whom reference had been made consisted of persons who had left both Sicily and Italy, and were not confined to parties who had quitted Rome. They arrived, however, in such crowds at Malta, that it was absolutely necessary for the Governor, acting on his own responsibility for the preservation of the peace and tranquillity of the island, to limit the numbers frequenting it. This was not done with any inconsiderateness; on the contrary, whenever sickness was given as a reason for landing, the parties were at once allowed to disembark, and they received every care and attention from the Governor himself. Nevertheless, considering the crowds of all characters who flocked to the island, the Governor had stated, and he (Mr. Hawes) thought him justified in so doing, that if he were to be responsible for the tranquillity of the place, he must limit the numbers coming there; and, unless the Governor had intimated to the proper authorities not to allow these parties to land to such a great extent, he would probably have been obliged to take other steps which might have appeared more severe.

MR. HUME thought that even the report of such a transaction was disgraceful to the country, and he wished to know what number of persons arrived at Malta at any one time?

MR. HAWES said, he had received no notice of this last question, but he believed he was right in saying that several hundreds arrived there within a short period, and more were on their way.

Subject dropped.

AUSTRIA AND HUNGARY.

LORD NUGENT wished to put a question to the noble Lord the Secretary for Foreign Affairs on a subject with respect to which he trusted the noble Lord would not be reluctant to satisfy the anxious feelings of a great part of this nation. He had seen, within the last three or four days, in the public newspapers, what purported to be a proclamation proceeding from the Austrian General, Haynau, and addressed to the populations of Pesth and Buda. This proclamation denounced the punishment of instant death upon the spot to any persons, of either sex, who might be presumed to have taken part in what this general called political offences, such as had never before been made punishable with death by any chief holding a commission under a civilised government. Instant death upon the spot was proclaimed; and the soldiers, who were to be the executioners of the sentence, were also to be the judges of the guilt, for such offence as wearing what might be deemed a revolutionary dress, spreading what might be deemed false reports, and, above all, committing what the general termed insult towards the soldiers. He wished to know whether this proclamation, which he would not trust his own feelings to characterise otherwise than by styling it a most astonishing proclamation, and to which the Foreign Minister's noble nature would doubtless prompt him to affix a much stronger term, was or was not genuine?

VISCOUNT PALMERSTON thought it was unnecessary for him to say that Her Majesty's Government, in common with everybody else, must have read the proclamation as it appeared in the newspapers with the deepest pain. He need not say more on that point. In reply to the question put to him, he had to state, that the Government had no official communication of the proclamation in question, and therefore he had no official knowledge as to whether it was genuine or not.

LORD NUGENT would ask, on this last

opportunity, should the circumstance turn out to be as reported in the newspapers, and should the Government be made officially cognisant of it, whether the Government would be then prepared, as in the case of the Eliot Convention between the contending parties in Spain, to interpose its good offices, and its authority, if necessary, to stop the perpetration of such horrors, which were never before committed or contemplated in war among civilised communities?

VISCOUNT PALMERSTON said, that Her Majesty's Government must reserve to themselves a proper and legitimate discretion to act in accordance with what they might think fit as circumstances arose.

Subject at an end.

PROROGATION OF PARLIAMENT.

Message to attend the Lords Commissioners; the House went, and the Royal Assent was given to several Bills; and afterwards a Speech of the Lords Commissioners was delivered to both Houses by the Lord President.

After which a Commission was read, for proroguing the Parliament until Tuesday the 9th day of October next; and the Parliament was accordingly prorogued until Tuesday the 9th day of October next.

THE END OF SESSION 1849.

APPENDIX.

A CORRECTED REPORT OF MR. NEWDEGATE'S SPEECH ON "REDUCTION OF PUBLIC SALARIES."—TUESDAY, JULY 16, 1849.

(*See* Vol. cvii. p. 421.)

MR. NEWDEGATE, notwithstanding what had been stated by the right hon. Gentleman, should have very great pleasure in voting for the Motion of his hon. Friend. The value of money had for many years past been rapidly increasing, whilst that of labour had been decreasing under the combined action of our monetary and our commercial system; and he would recall to the recollection of the House, that whilst measures of depression had been applied to the productive interests of the country, the right hon. Gentleman said it was important there should be no variation in the rate of remuneration of those employed under Government; but that view of the case had been overlooked with respect to all others, whose fortunes or whose labour had been affected by the sweeping changes in the value of all property, of all labour, and of all articles essential to the maintenance of life. Let not the right hon. Gentleman ride off upon the argument that because consumable articles had been cheaper, the necessary consequence was that the labourer had been better off. If our tariff were like that of the Americans, this might be the case; for the Americans had the sense to reduce their duties upon the articles which they did not produce, whilst they kept their duties upon all articles which they did produce. In America, therefore, the labouring class benefited by the reduction of the prices of those articles which did not come into competition with those of their own production, whilst wages were maintained by the protecting duties of their tariff. It was also said that the labouring class must be benefited because all consumable articles were cheap. But the labouring classes were producers of those articles, and far more than the poor man gained in his consumption he lost on his production. It was evident that, if he did not produce more than he consumed, he was an unprofitable member of society; and, to bring the country under the same category, if it did not produce more—that was, a greater value in money—than it consumed, it was upon the road to ruin. In both cases, that of the labourer and the country, this cheapening debased the value of their productions, which must be more than their consumption, and so impoverished both. He had endeavoured, in another mode, to bring under the attention of the right hon. Gentleman the President of the Board of Trade this argument as applicable to the whole condition of the country, so far as it could be judged of by our external trade. He should not now go into details; but he wished to bring before the House in its broadest light this fact, that if they diminished the exchangeable value of the produce of this country by their legislation, and if they diminished not only the exchangeable value of that which was exported, but the exchangeable value of the products of labour which were consumed at home, the country would be impoverished, because the the country was losing on its production and gaining only on its consumption. But the right hon. Gentleman said that wages were not generally reduced, because he could not get an ablebodied labourer in the West Riding under 14*s.* a week. He wished the right hon. Gentleman had sent to Warwickshire, for if he had, he (Mr. Newdegate) would have ensured him hundreds, he might say thousands of ablebodied men, who would be glad to get 10*s.* a week. He was afraid the right hon. Gentleman argued that because wages in the West Riding were one-third, or nearly so, higher than in the rest of England, the condition of the labouring population throughout the whole kingdom was eminently prosperous. Such, however, was not the case; for the condition of the labourers of the West Riding was most exceptional if they obtained regularly 14*s.* per week. The right hon. Gantleman said he would not consent to any variation of the amount of public salaries according to the circumstances of the times. Change, he said, was highly to be deprecated. If the change in the circumstances of the country had been slight or partial, or temporary, he should have admitted the full force of that argument; but the monetary and banking measure of 1844, and the commercial measures of 1846, had permanently depressed the exchangeable value of the products of this country, and of its labour; and the expenditure of the country, and the remuneration of those who served it, must, therefore, be accommodated to the impoverishing policy which had been adopted. He remembered a comparison in a leading journal intended to reconcile the country to free trade. All, it was said, must come down; the landowner receive less rent, the merchant and the manufacturer, with a larger business, must be content with less profits. In short, all the grades of society must sink together. He accepted this illustration, in which the various grades of society were compared to different families living in the different stories of one house, one above the other; all, it was said, must come down. But if you depressed the whole, what would become of those who lived in the cellar? They would, as it appeared to him, be sunk lower than they were before, till at last they would be excluded from the light of heaven, and almost from access to the surface. The right hon. Gentleman the Chancellor of the Exchequer had asserted that no change had been made in the circumstances of the country since 1831 to justify the reduction proposed by his hon. Friend. Now, to illustrate the changes that had taken place, he begged the attention of the right hon. Baronet to the depreciation in our exports. To judge of the means of the people, you must know the wholesale price paid for their labour. The return for the labour of production was represented by the wholesale price, according to which the value of the exports purported to be declared by the exporters. The other day the right hon. Gentleman said a fanciful argument was raised upon the variation between official and declared values, which he professed his inability to understand; and the right hon. Baronet (Sir R. Peel) said, "Oh! Alderman Waithman used that argument." He (Mr. Newdegate) did not know who Alderman Waithman was; but he knew that the argument was true. The official value of exports had been fixed according to a scale of prices for the various articles which prevailed 150 years ago, but which had long since ceased to tally with the prices those articles actually command in the market; but the 100*l.* of official value represented the same quantity of woollen or cotton cloth, of hardware, of corn, or of meal, it did 150 years ago, and has done ever since. The official value, therefore, had become a mere measure of quantity; but it was valuable, because it was a fixed measure of quantity, applicable to all articles included under the official scale. By comparing, therefore, the official value with the declared value of the total exports in any two years, you can ascertain whether the declared value, which represented the money actually received for the goods in either year, was a larger or a smaller amount as compared with the quantity of goods sold. The difference represented the fall or rise of the money received for the exports, since the official value represented the quantity of the goods, and the declared value the money received for them. In the year 1817, the official and declared value of our exports were very nearly at par; and it was evident that if the quantity evinced by the official value had increased since then, while that of the declared value had not increased in the same ratio, there had been a loss and depreciation sustained by the country in that respect. He would take the aggregate of the exports for four years from 1817 to 1820. In 1817 the official value was 40,111,157*l.*; in 1818, 42,702,068*l.*; in 1819, 33,534,176*l.*; and in 1820, 38,393,768*l.*, showing a total of 154,741,169*l.* In the same years the declared value was, respectively, 41,817,540*l.*, 46,470,863*l.*,35, 211,401*l.*, and 36,423,959*l.*, making a total of 159,923,763*l.*, and showing an excess of declared over official value of 3¼ per cent. He would next take an aggregate of four years from 1829 to 1832. In those years the aggregate of the official value was 243,081,958*l.*, and the declared value 147,779,186*l.*, showing a depreciation of 40½ per cent. In the years 1845 to 1848, the aggregate official value was 525,949,255*l.*, and the declared value 229,952,468*l.*, showing a depreciation according to the declared value of 56½ per cent since 1820, and of 63 per cent according to the market value between those years, and of about 23 per cent since 1832. Hence it was evident, that his hon. Friend was right in saying that the reduction of salaries he asked for was not equal to half the depreciation evinced in the aggregate of our exports. It appeared to him that the Motion upon this subject of his hon. Friend, was infinitely preferable to that of the hon. Member for Montrose. The hon. Member for Montrose assumed that all salaries should be regulated according to their amount in 1793, without respect to the alteration of circumstances, the increased number of officers, the distribution of duties, or the amount of labour performed; but his hon. Friend the Member for Oxfordshire took all salaries as he found them, and said, "As you have, by legislative enactment, effected an enormous alteration in the exchangeable value of all articles, I propose to reduce these salaries by a percentage, to accommodate their money payments to the altered circumstances." This appeared to him just and rational. He preferred the system of percentage, because it did not alter the relation of the recipients of the salary to the other classes; it retained them where they were. But if a wiser legislation should prevail, and more adequate remuneration be secured for labour, he would no longer support reduction in the salaries of the officers of the State. He and his friends asked the House for an adjustment. They proposed no injustice, but they said, "You have with your eyes open entered upon a policy which is impoverishing all the productive classes; this policy shall not teach only one class or two; if it is better that this country should be poorer, let your policy be applied to all." They might depend upon it the justice of the case would eventually force upon them a change in the relation of money; and that when once the people were certain that the direct effect, if not the immediate purpose, of your measures is to enhance the value of money, and to depress that of all other property and of all labour, there would be a movement which, he feared, it would not be easy to control. For years this question had been staved off, but a general interest was now spreading through the country in relation to it. These, then, were the grounds upon which he supported the Motion of his hon. Friend: first, that the policy of hon. Gentlemen opposite was one of impoverishment to the producing classes; next, that it unjustly enhanced the value of money; and, thirdly, because it was an act of justice to reduce the burthens of taxation according to the altered circumstances of the country. He knew of no means by which these questions could be better brought before the House, than by the Motion of his hon. Friend, The rich man was becoming richer, and the poor man poorer. This was shown by the last returns of the income tax. Take the extremes of the scale of income returned by the commissioners, and it would be found that there was an addition of two individuals under Schedule D to the number of those, being twenty, who in 1846 had 50,000*l.* or more a year; whilst the number of those whose incomes were returned at under 150*l.*, but who were still assessed to the income tax, had been diminished since 1846 by 1,841. A more striking illustration of the effects of the present policy could not be given; and he repeated, that though this Motion might be refused, it would be only the commencement of a series of others, which Session after Session would be pressed upon the attention of the House.

LIST OF STATUTES.

A TABLE OF ALL THE STATUTES

Passed in the SECOND Session of the FIFTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

12° & 13° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to consolidate the Board of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue.

II. An Act to continue, until the First Day of *September* One thousand eight hundred and forty-nine, an Act of the last Session, for empowering the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.

III. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine.

IV. An Act to amend the Laws relating to the Appointment of Vice Guardians of Unions in *Ireland.*

V. An Act to authorise an Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland.*

VI. An Act to repeal an Act of the Twenty-first Year of *George* the Second, for holding the Summer Assizes at *Buckingham;* and to authorise the Appointment of a more convenient Place for holding the same.

VII. An Act to authorise the Inclosure of certain Lands in pursuance of the Fourth Annual General Report of the Inclosure Commissioners for *England* and *Wales.*

VIII. An Act to remove Doubts as to the Appointment of Overseers in Cities and Boroughs.

IX. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and fifty.

X. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

XI. An Act to amend the Laws in *England* and *Ireland* relative to Larceny and other Offences connected therewith.

XII. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XIII. An Act to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish.

XIV. An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates.

XV. An Act to amend an Act of the Fifty-fourth Year of King *George* the Third, for the Recovery of small Sums due for Wages in *Ireland.*

XVI. An Act to protect Justices of the Peace in *Ireland* from vexatious Actions for Acts done by them in the Execution of their Office.

XVII. An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland.*

XVIII. An Act for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs.

XIX. An Act to make perpetual an Act of the Tenth and Eleventh Years of Her present Majesty, for authorising the Removal of Prisoners from the several Gaols in *Ireland* in Cases of Epidemic Diseases.

XX. An Act for raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine.

XXI. An Act to confirm certain Acts of the Legislature of *Newfoundland* respecting the rebuilding of the Town of *Saint John's Newfoundland*, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town.

XXII. An Act to remove Doubts concerning the Validity of certain Grants of Land in the Colony of *New South Wales*.

XXIII. An Act to authorise further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in *Ireland*.

XXIV. An Act to make Provision, until the Thirty-first Day of *December* One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in *Ireland*.

XXV. An Act for giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters.

XXVI. An Act for granting Relief against Defects in Leases made under Powers of Leasing, in certain Cases.

XXVII. An Act to remove Doubts concerning the Transportation of Offenders under Judgment of Death to whom Mercy may be extended in *Ireland*.

XXVIII. An Act to enable the Commissioners of *Greenwich* Hospital to regulate and manage the Markets held at *Greenwich* in the County of *Kent*.

XXIX. An Act to amend the Laws in force for the Encouragement of *British* Shipping and Navigation.

XXX. An Act for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep, in *Ireland*.

XXXI. An Act for requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges in *Scotland* to the Secretary of State to be laid before Parliament.

XXXII. An Act to continue to the End of the Year One thousand eight hundred and fifty-one certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*.

XXXIII. An Act for regulating the Carriage of Passengers in Merchant Vessels.

XXXIV. An Act to amend an Act regulating the Justice of the Peace Small Debts Courts in *Scotland*.

XXXV. An Act for requiring annual Returns of the Expenditure on Highways in *England* and *Wales* to be transmitted to the Secretary of State, and afterwards laid before Parliament.

XXXVI. An Act to make Provision, during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in *Ireland*, and to the Remuneration of the Collectors thereof.

XXXVII. An Act to continue to the First Day of *October* One thousand eight hundred and fifty, and to the end of the then next Session of Parliament, an Act to Amend the Laws relating to Loan Societies.

XXXVIII. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*.

XXXIX. An Act for further continuing, until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

XL. An Act to continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

XLI. An Act to extend an Act of the Fifty-sixth Year of King *George* the Third, for providing for a new Silver Coinage, and for regulating the Currency of the Gold and Silver Coin of this Realm.

XLII. An Act to provide for the Execution for One Year of the Office of Sheriff in the County of *Westmoreland*.

XLIII. An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.

XLIV. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine.

XLV. An Act to amend the Procedure in Courts of General and Quarter Sessions of the Peace in *England* and *Wales*, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts.

XLVI. An Act to facilitate the Union of Turnpike Trusts.

XLVII. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*.

XLVIII. An Act to provide for the Administration of Justice in *Vancouver's Island*.

XLIX. An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools.

L. An Act for further amending the Laws relating to Sewers.

LI. An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity in *Scotland*.

LII. An Act to suspend, until the First Day of *October* One thousand eight hundred and fifty, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

LIII. An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors in *Ireland*.

LIV. An Act to continue, until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act for authorising the Application of Highway Rates to Turnpike Roads.

LV. An Act to abolish the Gaol of *Newgate* in the County of the City of *Dublin*, and provide Compensation for the Officers thereof, and to enable the Grand Jury of the County of the said City to increase the Salaries of the Chaplains of certain other Gaols thereof, and to re-assess on the County of the said City certain Arrears of Grand Jury Cess.

LVI. An Act to continue, until the Thirty-first

Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*.

LVII. An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

LVIII. An Act to extend to the Officers of Inland Revenue the Privilege of becoming Members of the Excise Benevolent Fund Society.

LIX. An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*.

LX. An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.

LXI. An Act to continue, until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

LXII. An Act to authorise the Advance of Money out of the Consolidated Fund to the *Midland Great Western* Railway of *Ireland* Company.

LXIII. An Act to authorise a further Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*.

LXIV. An Act to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs.

LXV. An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates, in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates.

LXVI. An Act for enabling Colonial Legislatures to establish Inland Posts.

LXVII. An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices.

LXVIII. An Act for facilitating the Marriage of *British* Subjects resident in Foreign Countries.

LXIX. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Persons charged with Indictable Offences.

LXX. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Summary Convictions and Orders.

LXXI. An Act to dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds.

LXXII. An Act further to amend the Acts relating to the Offices of the House of Commons.

LXXIII. An Act to limit the Enlistment in the Artillery and other Ordnance Corps.

LXXIV. An Act for the further Relief of Trustees.

LXXV. An Act to defray until the First Day of *August* One thousand eight hundred and fifty the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorise the Employment of the Non-commissioned Officers.

LXXVI. An Act to protect Women from fraudulent Practices for procuring their Defilement.

LXXVII. An Act further to facilitate the Sale and Transfer of Incumbered Estates in *Ireland*.

LXXVIII. An Act for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases.

LXXIX. An Act to facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*.

LXXX. An Act to repeal the Allowances on the Purchase of Stamps and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof.

LXXXI. An Act to authorise Her Majesty to issue a Commission to inquire into and Report upon Rights or Claims over the *New Forest* in the County of *Southampton* and *Waltham Forest* in the County of *Essex*.

LXXXII. An Act to relieve Boroughs, in certain Cases, from Contributions to certain Descriptions of County Expenditure.

LXXXIII. An Act further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands.

LXXXIV. An Act for carrying into effect Engagements between Her Majesty and certain *Arabian* Chiefs in the *Persian Gulf* for the more effectual Suppression of the Slave Trade.

LXXXV. An Act to amend an Act for the Regulation of Muncipal Corporations in *Ireland*, so far as relates to the Borough of *Dublin*.

LXXXVI. An Act to provide additional Funds for Loans by the Public Works Commissioners for building Workhouses in *Ireland*.

LXXXVII. An Act to continue certain Turnpike Acts in *Great Britain* for limited Periods, and to make certain Provisions respecting Turnpike Roads in *England*.

LXXXVIII. An Act to amend the Laws relating to Pilotage.

LXXXIX. An Act to reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury.

XC. An Act to amend the Laws relating to the Customs.

XCI. An Act to provide for the Collection of Rates in the City of *Dublin*.

XCII. An Act for the more effectual Prevention of Cruelty to Animals.

XCIII. An Act to amend the Metropolitan Sewers Act.

XCIV. An Act for confirming certain Provisional Orders of the General Board of Health, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places.

XCV. An Act to amend the Law concerning Judgments in *Ireland*.

XCVI. An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.

XCVII. An Act for the Improvement of the City of *Dublin.*

XCVIII. An Act to apply a Sum out of the Consolidated Fund, and certain other sums, to the Service of the Year One thousand eight hundred and forty-nine; and to appropriate the Supplies granted in this Session of Parliament.

XCIX. An Act to encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts thereto; and to amend an Act of the Eighth Year of Her present Majesty for Marriages in *Ireland,* and for Registering such Marriages.

C. An Act to promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland.*

CI. An Act to amend the Act for the more easy Recovery of Small Debts and Demands in *England,* and to abolish certain Inferior Courts of Record.

CII. An Act to authorise the Sale of the Royal Pavilion at *Brighton,* and the Grounds thereof; and to apply the Money arising from such Sale.

CIII. An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

CIV. An Act to amend the Acts for the more effectual Relief of the destitute Poor in *Ireland.*

CV. An Act for converting the renewable Leasehold Tenure of Lands in *Ireland* into a Tenure in Fee.

CVI. An Act to Amend and consolidate the Laws relating to Bankrupts.

CVII. An Act for the Amendment of the Law of Bankruptcy in *Ireland.*

CVIII. An Act to amend the Joint Stock Companies Winding-up Act, 1848.

CIX. An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court.

CX. An Act for suspending, until the First Day of *June* One thousand eight hundred and fifty, the Operation of an Act passed this Session, intituled *An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases.*

CXI. An Act to amend the Nuisances Removal and Diseases Prevention Act, 1848.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the *Blackburn* Waterworks Company to raise a further Sum of Money; and to amend the Act relating thereto.

ii. An Act for enabling the *Sunderland* Water Company to raise a further Sum of Money, and for amending and enlarging the Provisions of the Act relating to such Company.

iii. An Act for supplying the District of *Brierly Hill* in the Parish of *Kingswinford* in the County of *Stafford* with Gas.

iv. An Act for more effectually repairing and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick.*

v. An Act to authorise the *Warrington* Waterworks Company to raise a further Sum of Money.

vi. An Act for better establishing and maintaining the Market Place and Markets at *Longton,* heretofore called *Lane End,* in the Parish of *Stoke-upon-Trent* in the County of *Stafford.*

vii. An Act for improving the Drainage of *Feltwell* Second District in the Country of *Norfolk,* and for amending the Acts relating to the same.

viii. An Act for lighting with Gas and supplying with Water the Town and Borough of *Darlington* and the Suburbs thereof in the County of *Durham.*

ix. An Act for enabling the *Nottingham* Gaslight and Coke Company to raise a further Sum of Money, and for amending some of the Provisions of the Act relating to such Company.

x. An Act for more effectually assessing and collecting the Poor Rate and all other Rates and Assessments in the Parish of *Epsom* in the County of *Surrey,* and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto.

xi. An Act for making and maintaining Docks near to *Wareham* in the County of *Dorset,* with an Entrance thereto from *Wareham Channel.*

xii. An Act for better assessing the Poor Rates on small Tenements in certain Parishes and Places within the Union of *Kidderminster.*

xiii. An Act for the Dissolution of the *Argyll* Canal Company, and for the Abandonment of their Undertaking.

xiv. An Act to amend an Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny.*

xv. An Act to enable the *Edinburgh and Northern* Railway Company to raise a further Sum of Money.

xvi. An Act for the Management and Disposal of the Freemen's Pastures in the Parish of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln;* and for other Purposes.

xvii. An Act for better supplying the Town, Port, and Harbour of *Whitehaven* and other Places with Water.

xviii. An Act for altering the Mode of assessing the Drainage Rates authorised by the Act for draining and improving *Marsland Smeeth* and *Marshland Fen* in the County of *Marshland* in the County of *Norfolk*, and to provide for the Repair of Roads within the Limits of the said Act.

xix. An Act for enabling the *North-western* Railway Company to make an Extension of the *Lancaster* Branch of their Railway, and a new Road to *Settle* Station, and to abandon the *William Lands* Branch; and for other Purposes.

xx. An Act for Authorising the *Bradford* Waterworks Company to raise a further Sum of Money.

xxi. An Act for incorporating the *Bury Saint Edmund's* Gas Company, and for better supplying the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk* with Gas.

xxii. An Act to incorporate the *Scottish* Amicable Life Assurance Society; to enable the said Society to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Society.

xxiii. An Act to amend and equalise the Rates and Duties leviable at the Port and Harbour of *Perth*, to authorise the borrowing of an additional Sum of Money, and for other Purposes in relation thereto.

xxiv. An Act to Amend an Act of the Twelfth Year of the Reign of King *George* the Third, for embanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of *Ramsey* in the County of *Huntingdon*, and in the Parishes of *Doddington, March, Benwick, Wimblington*, and *Chatteris*, within the *Isle of Ely* and County of *Cambridge*, so far as relates to the Lower or Fifth District, and to annex other Lands thereto.

xxv. An Act for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, for lighting with Gas and supplying with Water the Town of *Hartlepool* and the Neighbourhood thereof in the County of *Durham.*

xxvi. An Act for better supplying with Water the Borough of *Macclesfield* in the County of *Chester*, and for other Purposes connected with the said Borough.

xxvii. An Act for enabling the *Leeds and Thirsk* Railway Company to raise a further Sum of Money for the Completion of their Railways, to guarantee Interest on certain Shares, and for other Purposes.

xxviii. An Act for making a short Railway to connect the Line of the *Reading, Guildford. and Reigate* Railway with the Line of the *London and South-western* Railway; and for other Purposes.

xxix. An Act to vest the *Stainforth and Keadby* Canal in the Company of Proprietors of the Navigation of the River *Dun.*

xxx. An Act for enlarging, improving, and maintaining the Harbour of *Kirkcaldy* in the County of *Fife*, for regulating the Petty Customs of the Burgh of *Kirkcaldy*, and for other Purposes relating to the said Harbour and Burgh.

xxxi. An Act to amend "The *Sunderland* Dock Act, 1846," and for other Purposes.

xxxii. An Act for defining the Boundaries of the Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the *Isle of Ely* in the County of *Cambridge* for Ecclesiastical Purposes; for the Union of the said Parishes for other Purposes; and for better paving, lighting, watching, cleansing, and otherwise regulating and improving the Town of *Whittlesey.*

xxxiii. An Act for extending the Powers of the *London and South-western* Railway Company for purchasing Lands for and completing the Works of the Railways from *Basingstoke* to *Salisbury* and from *Farnham* to *Alton;* and for other Purposes.

xxxiv. An Act for enabling the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway Company to make an Extension of their Railway to the Town of *New Windsor;* and for other Purposes.

xxxv. An Act for the further Improvement of the Borough of *Ashton-under-Lyne.*

xxxvi. An Act to extend the Provisions and enlarge the Powers of the *Staffordshire Potteries* Waterworks Act, 1847.

xxxvii. An Act for granting further Powers to the *London* Gaslight Company.

xxxviii. An Act to enable the *Cockermouth and Workington* Railway Company to make a Branch Railway to *Bridgefoot;* and for amending the Act relating to their Railway.

xxxix. An Act for vesting the *Edinburgh and Glasgow Union* Canal in the *Edinburgh and Glasgow* Railway Company.

xl. An Act to confer certain Powers on the Railway Passengers Assurance Company.

xli. An Act to enable the *Chester and Holyhead* Railway Company to raise a further Sum of Money; and for other Purposes.

xlii. An Act for making the Parish of *Richmond* in the County of *Surrey* a District Vicarage, by dividing the Vicarage of *Kingston-upon-Thames* and *Sheen* otherwise *Richmond* into Two Separate Vicarages, and for providing a Stipend and Residence for the Vicar of *Richmond* aforesaid, and for extinguishing the Vicarial Tithes in the Parish of *Richmond*, and for other Purposes relating to such Vicarages.

xliii. An Act to authorise the *Newcastle-upon-Tyne and Carlisle* Railway Company to alter the *Alston* Branch of their Railway, to make a Branch Railway therefrom, and for other Purposes.

xliv. An Act for consolidating the Trusts of the *Truro* Turnpike Roads and the *Penryn* and *Redruth* Turnpike Roads in the County of *Cornwall*, and for making a new Turnpike Road from *Bosvigo Bridge* to the Turnpike Road from *Truro* to *Redruth*, and for making the Road or Highway from *Ferris Town* to *Bosvigo Bridge* a Turnpike Road, and for maintaining all such Roads; and for other Purposes.

xlv. An Act for amending an Act passed in the Thirty-fifth Year of the Reign of His Majesty King *George* the Third, for dividing and leasing or letting certain Commons or Waste Grounds within the Borough and Township of

Congleton in the County of *Chester*, and for applying the Profits of Part of the same in aid of the Poor's Rate or other Taxes or public Expenses within the said Township.

xlvi. An Act to facilitate the Prosecution of Criminal Offences before Her Majesty's Justices of the Peace in the County of *Renfrew*, and to simplify the Proceedings therein and lessen the Costs thereof.

xlvii. An Act to alter and amend an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending the Road leading from the* Stones End *in* Blackman Street *in the Borough of* Southwark *in the County of* Surrey *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for other Purposes relating thereto.*

xlviii. An Act for the Improvement of the Haven, Bridge, and Navigation of *Great Yarmouth* in the County of *Norfolk.*

xlix. An Act for rendering valid certain Letters Patent granted to *Joshua Procter Westhead* of *Manchester*, Manufacturer.

l. An Act to alter, amend, extend, and enlarge some of the Provisions of the several Acts relating to the *Lancashire and Yorkshire* Railway, and for making Extensions of some of the Branches of the said Railway, and for making other Provisions in relation to the said Railway and to the *Lancashire and Yorkshire* Railway Company.

li. An Act for improving the Approaches to the *Charing Cross Bridge* on the *Surrey* Side thereof, and for amending the Acts relating thereto; for authorising the raising of a further Sum of Money; and for other Purposes.

lii. An Act for extending the Time and Powers for making the *Ely and Huntingdon* Railway, and for amending the Act relating to the *East Anglian* Railways.

liii. An Act for the Dissolution of the *East Lothian Central* Railway Company, and for the Abandonment of the Railway.

liv. An Act to consolidate the several Acts relating to the *Stockton and Darlington* Railway Company, to enable the Company to alter their Line of Railway in the Parishes of *Egglescliffe* and *Stockton-on-Tees*, and to increase their Capital, and to vest in them the *Middlesbrough* Dock.

lv. An Act to authorise the *Shrewsbury and Chester* Railway Company to make certain Branches to the River *Dee*, with Wharfs and other Conveniences connected therewith, to enter into Agreements for a joint Station at *Shrewsbury*, and to subscribe towards the *Shrewsbury and Hereford* Railway.

lvi. An Act regulating and maintaining Markets in the Town of *Torquay* in the County of *Devon*, and for constructing convenient Market Places therein.

lvii. An Act for repairing the Road leading from *Chatteris Ferry* to *Wisbech*, and from thence to *Tid Gote* in the *Isle of Ely* and to *Downham Bridge* in the County of *Norfolk*, and to authorise the conversion of the *Wisbech and March* Low Road into Turnpike.

lviii. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make certain Branches in the Counties of *Northumberland* and *Newcastle-upon-Tyne;* and for other Purposes.

lix. An Act to alter and amend the Provisions of the several Acts relating to the *Black Sluice* Drainage, to extend the Time by "The *Black Sluice* Drainage Act, 1846," limited for the Completion of the Works, to authorise the levying and raising of further Rates and Monies, to alter existing Rates and Tolls, and for other Purposes.

lx. An Act for enabling the *York and North Midland* Railway Company to divert their Railways between *Market Weighton* and *Beverley* and *Copmanthorpe* and *Tadcaster*, all in the County of *York;* and for other Purposes.

lxi. An Act for making a Branch from the *Taff Vale* Railway to *Dowlais*, and for other Purposes.

lxii. An Act to amend the Acts relating to the *Irish South-eastern* Railway.

lxiii. An Act for maintaining, improving, and keeping in repair certain Roads in the County of *Lanark* to be called "The East and West *Lanarkshire* Turnpike Roads."

lxiv. An Act to extend the present *Tinsley and Doncaster* Turnpike Road from *Tinsley* to *Sheffield*, and for other Purposes.

lxv. An Act for more effectually managing and repairing the Road leading from *Flimwell Vent* in the County of *Sussex* to the Town and Port of *Hastings* in the said County.

lxvi. An Act for continuing the Term of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the* New North Road, *leading from the South End of* Highbury Place, Islington, *to* Haberdashers Walk *in the Parish of* Saint Leonard Shoreditch *in the County of* Middlesex, and for vesting the Management of the said Road in the Metropolis Roads Commissioners, for the Purpose of paying off the Debt due thereon.

lxvii. An Act to effect the Sale of the *Wishaw and Coltness* Railway to the *Caledonian* Railway Company.

lxviii. An Act to continue and amend the Powers of an Act for repairing and improving the Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda.*

lxix. An Act for enabling the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money; and for amending some of the Provisions of the Acts relating to such Company.

lxx. An Act for better enabling the *Rock* Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company.

lxxi. An Act to amend the Acts relating to the *East Lancashire* Railway Company, and to enable the same Company to make certain Branches at *Preston.*

lxxii. An Act to authorise the Transfer of the *Wilsontown, Morningside, and Coltness* Railway to, and to vest the same in, the *Edinburgh and Glasgow* Railway Company.

lxxiii. An Act to extend the Time for the Purchase of Lauds required for the widening of the *London and Blackwall* Railway, and to amend the Acts relating to such Railway.

lxxiv. An Act for vesting in the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company the *Preston and Wyre* Railway, Harbour, and Dock, and all the Works, Property, and Effects belonging thereto.

lxxv. An Act to transfer the *Sheffield* Canal to the Company of Proprietors of the Navigation of the River *Dun*.

lxxvi. An Act for more effectually repairing the *Commercial Road*, and other Roads connected therewith, in the Counties of *Middlesex* and *Essex*.

lxxvii. An Act for confirming and carrying into effect an Arrangement made by the Court of Chancery concerning the Proprietors of the *Bowling* Iron Company, and for granting certain Powers to the said Company.

lxxviii. An Act for regulating and improving the Markets and Fairs in the Borough of *Louth* in the County of *Lincoln*.

lxxix. An Act to enable the *Edinburgh and Northern* Railway Company to construct a Low-water Pier and other Works at *Granton;* and for other Purposes.

lxxx. An Act to incorporate the Governors of the Hospital for Consumption and Diseases of the Chest, and to authorise the Establishment of a Chapel in connexion with the said Hospital, and to enable the said Governors the better to carry on their charitable Designs.

lxxxi. An Act to consolidate into One Act and to amend the Provisions of the several Railway and Dock Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company, and to amend their Canal Acts.

lxxxii. An Act to amend and extend the Provisions of certain Acts for inclosing Lands in the Parishes of *Binbrooke Saint Mary* and *Binbrooke Saint Gabriel* in the County of *Lincoln*, and to vary the Awards made thereunder, and to unite the said Parishes.

lxxxiii. An Act to incorporate the *Great Indian Peninsula* Railway Company, and for other Purposes connected therewith.

lxxxiv. An Act to amend the Acts relating to the *Great Northern* Railway, and to make a Diversion of such Railway at *Bentley-with-Arksey* in the West Riding of *Yorkshire*, and to enlarge the *Boston*, *Lincoln*, and *London* Stations of such Railway.

lxxxv. An Act to alter and amend some of the Powers and Provisions of the *Shrewsbury and Birmingham* Railway Acts, and to authorise the Formation of certain Branch Railways, a navigable Canal, and other Works connected with the same respectively; and for other Purposes.

lxxxvi. An Act to authorise a Deviation of the Branch Line of the *Stirling and Dunfermline* Railway to *Alloa* Harbour, and the Diversion of certain Works; to extend the Time for the compulsory Purchase of certain Lands; and for other Purposes.

lxxxvii. An Act to amend the several Acts relating to the *Lancaster and Preston Junction* Railway Company, to transfer the Management of the Railway to the *Lancaster and Carlisle* Railway Company.

lxxxviii. An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Ardrossan* Harbour and to the *Glasgow, Kilmarnock, and Ardrossan* Railway.

lxxxix. An Act to amend and extend and partly repeal the Provisions of an Act of Parliament for erecting the Town of *Airdrie* into a Burgh; to provide for the Municipal and Police Government of said Burgh, and for the better Paving, Watching, Lighting, and Cleansing, and for regulating the Police, and managing the Statute Labour of the said Burgh; for consolidating the Provisions of other Acts; and for other Purposes relating thereto.

xc. An Act to effectuate a Lease of the *Glasgow, Barrhead, and Neilston Direct* Railway to the *Caledonian* Railway Company.

xci. An Act for the Incorporation of the General Land Drainage and Improvement Company, and for facilitating the Execution of Land Drainage and other Improvements.

xcii. An Act to amend the Acts relating to the *Eastern Union* Railway Company.

xciii. An Act for incorporating the *East Indian* Railway Company, and for other Purposes connected therewith.

xciv. An Act to amend an Act passed in the Eleventh Year of the Reign of King *George* the First, for regulating Elections within the City of *London*, and for preserving the Peace, good Order, and Government of the said City.

xcv. An Act to amend the "*Norfolk* Estuary Act, 1846," and to enable the *Eau Brink* Commissioners and the Corporation of *King's Lynn* to contribute towards the Undertaking, and for other Purposes connected therewith.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable the Trustees of a Society called or known by the Name of "The Society for the Prosecution of Felons and Receivers of Stolen Goods" to distribute the Monies and Funds of the said Society amongst certain charitable Institutions.
2. An Act for authorising the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *Charles Hayes* Esquire, and for authorising certain Leases to be granted thereof; and for authorising the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *John Rutherford Abdy* Esquire, and for enabling the Trustees of this Act to shift the Charges affecting the Inheritance of the last-mentioned Lands and Hereditaments; and for other Purposes.
3. An Act to authorise the granting of Building Leases of the Estates devised by the Will of *Richard Morris Griffith* Gentleman, deceased, called *Caemaeslodig*, situate in the Parish of *Bangor* in the County of *Carnarvon.*
4. An Act for confirming Two several Indentures of Lease, dated respectively the Twenty-sixth Day of *June* One thousand seven hundred and eighty-six, respectively granted by the Dean and Chapter of the Cathedral and Metropolitical Church of *Christ Canterbury* and *Henry Penton* to *Thomas Clutton*, of Hereditaments situate at *Walworth* in the Parish of *Saint Mary Newington* in the County of *Surrey*, and for settling the Boundaries of the Hereditaments thereby intended to be demised.
5. An Act for settling all Questions of disputed Ownership between the Mayor, Aldermen, and Burgesses of the Borough of *Louth* and the Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward* the Sixth in *Louth*, with reference to the Lands, Tenements, Fairs, Markets, Rents, Tolls, Powers, Rights, Privileges, and Property claimed by them respectively; and for vesting the Fairs and Markets within the said Borough in the Mayor, Aldermen, and Burgesses thereof; and for other Purposes.
6. An Act to authorise the Sale of Part of the Estates devised by *William Lee Antonie* Esquire, deceased, and for applying the Proceeds in Payment of certain incumbrances, and in Purchase of Hereditaments to be limited to the Uses declared of certain Estates substituted and settled by An Act of the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act for vesting the Fee Simple of Part of the Freehold Estates devised by the Will of* William Lee Antonie *Esquire, deceased, in strict Settlement, in his Nephew* John Lee *Esquire, Doctor of Laws, (subject to a Term of Five Hundred Years, as an Indemnification against a Sum of Ten Thousand Pounds and Interest,) and for substituing Part of the Fee Simple Estates of the said* John Lee *in lieu thereof, and also for appointing new Trustees of the said settled Estates;* and to amend the said Act.
7. An Act to enable Leases for Mining Purposes to be granted to *Anthony Hill* Esquire of Parts of the Estate situate in the Parish of *Merthyr Tydvil* in the County of *Glamorgan*, devised by the Will of the Right Honourable *Other Archer* Earl of *Plymouth*, deceased; and for other Purposes.
8. An Act to incorporate by the Name of "The Trustees of the Hospital in *Aberdeen* for Orphan and Destitute Female Children," "The Trustees of the *Aberdeen* Destitute Female Orphan Asylum" acting under a Deed of Constitution granted by the Trustees of *John Gordon* of *Murtle*, Esquire, deceased, and to alter and extend the Powers and Provisions of the said Deed, and to vest the Residue of the Estate and Effects of *John Carnegie* Esquire, decased, in the Trustees so incorporated.
9. An Act to enable the Trustees of the Settlement made in pursuance of the Will of *George Granville* late Duke of *Sutherland* to grant or demise for a long Term of Years to the *Staffordshire Potteries* Waterworks Company certain Springs and Reservoirs of Water in Lands in the Parishes of *Caverswall* and *Stone* in the County of *Stafford* comprised in the said Settlement, and certain Waterworks, Rights and Privileges for supplying with Water the Towns of *Longton* and *Lane End* in the said County, and several Townships or Places near thereto; and to enable the said Trustees to take Shares in the said Company, and to advance Money to the said Company on Mortgage; and for other Purposes.
10. An Act to enable *Marianne Sarah Robertson*

of *Ladykirk* to disentail certain detatched Portions of the entailed Estate of *Ladykirk*, to be conveyed to *David Robertson* her Husband in lieu of the Lands of *Simprim*, to be added by him to the said entailed Estate; to grant Security upon the said Estate for a certain Sum of Money expended in Improvements; and for other Purposes relating thereto.

11. An Act for enabling the Trustees of the Settlement made under Orders of the High Court of Chancery, after the Marriage of *Chaloner Ogle* Esquire and *Eliza Sophia Frances Ogle* his Wife, to grant Building, Improving, and other Leases of certain Estates and Hereditaments situate at *Patcham* in the County of *Sussex*, comprised in the said Settlement.

12. An Act for vesting the *Cole* and *Reynolds* Estates, situate at *Doddington*, *Leverington*, *Guyhurn*, *Broughton* and *Buckden*, in the *Isle of Ely* and Counties of *Cambridge* and *Huntingdon*, in Trustees for Sale.

13. An Act to authorise the Trustees of the Will of the late *Anthony Harman* Esquire to grant Building, Improving, and other Leases of certain Freehold Estates devised by the said Will.

14. An Act to authorise the Trustees of the late *Thomas Gordon* to sell his Estates of *Cairness* and others in the County of *Aberdeen*, and to apply the Price thereof in Payment of the Debts and Burdens affecting the same; and for laying out the Residue of the Price in the Purchase of other lands, to be entitled in Terms of the Trust Deed of Settlement by the said *Thomas Gordon;* and for other Purposes.

15. An Act to confirm the Title of the Trustees of the Will of *Philip Hurd* Esquire, deceased, to a Copyhold Estate at *Kentish Town* in the County of *Middlesex;* and to extend the Power to grant Building Leases contained in the said Will: and to empower the Trustees of the said Will to raise Money for the Improvement of the said Estate; and for other Purposes.

16. An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to raise certain Monies on the Trust Estates in the County of *Durham* by the said Will devised, and for the Management of the said Estates.

17. An Act for enabling the Trustees of the Will of *William Trenchard* Esquire, deceased, to pull down the Mansion or Dwelling House at *Lytchet Matravers* in the County of *Dorset*, and the Stables, Offices, and Outbuildings belonging thereto, Part of the Estates devised by the said Will, and to rebuild a smaller Mansion, Stabling, and Outbuildings suitable to the same; and to pull down Farm Buildings on the said Estates, and to rebuild the same; and to convert Shrubberies and Pleasure Grounds into Arable and Pasture Lands; and to raise Money for these Purposes by the Sale of Part of the Capital of the Personal Estate of the said *William Trenchard* deceased; and for other Purposes.

18. An Act for vesting the Real Estate devised by the Will of the late Sir *Hugh Bateman* of *Hartington Hall* in the County of *Derby*, Baronet, in Trustees, upon trust to sell a Part thereof, and to lay out the Monies arising from such Sale in Payment of the Mortgage Debts and other Charges and Incumbrances affecting the said Estates, and in Repairs and substantial Improvements upon the said Estates; and for other Purposes.

19. An Act for the better Administration of the Real and Personal Estates of the Right Honourable *James* Lord *Glastonbury* deceased.

20. An Act to remove Doubts relative to the Appointment of Mr. *George Bishton* as a Commissioner under the *Pattingham* and *Pattshull* Inclosure Act.

21. An Act for removing Doubts relative to the Powers of granting Building Leases contained in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased; and for other Purposes.

22. An Act for Supplying the Omission in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased of Powers of granting Farming and Building Leases of the Estates in the Counties of *York* and *Derby* devised by the same Will; of Powers of selling and changing the same Estates; and for other Purposes.

23. An Act to enable Sir *Thomas Maryon Wilson* Baronet to grant the Site of a Church for "The District of *Saint Thomas, Woolwich,*" in the County of *Kent;* and for other Purposes.

24. An Act for authorising the Sale of certain Parts of the Estates in the County of *Middlesex* devised by the Will of Sir *George Osborn* Baronet, deceased, for the Purpose of discharging the Incumbrances thereon.

25. An Act to authorise the granting of Building Leases of Parts of the Estates devised by the Will of the late *Henry Blundell* Esquire, situate in the Townships of *Heaton* and *Rumworth* in the County of *Lancaster*, and to lease Coal and other Mines, and to grant Farming Leases for Twenty-one Years of Lands within the said Townships; and for other Purposes.

26. An Act for the Sale of certain Hereditaments in the Parish of *Barkham* in the County of *Berks* affected by the Settlement made on the Marriage of *Theophilus Clive* Esquire.

PRIVATE ACTS,

NOT PRINTED.

27. An Act to dissolve the Marriage of *Thomas William Waldy* Esquire with *Ellen* his now Wife, and to enable him to marry again; and for other Purposes.

28. An Act to dissolve the Marriage of *John James* with his now Wife, and to enable him to marry again; and for other Purposes.

29. An Act to dissolve the Marriage of *Henry Hoghton* Esquire with *Louisa Josephine Hoghton* his now Wife, and to enable him to marry again; and for other Purposes.

30. An Act to dissolve the Marriage of *Francis Hudson* Merchant with *Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

31. An Act for naturalising *Richard Tufton* and *Henry Tufton* his infant Son.

32. An Act to dissolve the Marriage of *Edward Cripps* Esquire with *Augusta Sarah* his now Wife, and to enable him to marry again; and for other Purposes.

33. An Act to dissolve the Marriage of the Reverend *Brian Faussett* with *Helena Caroline* his Wife, and to enable him to marry again; and for other Purposes.

34. An Act to dissolve the Marriage of *Edward Eustace Hill* Esquire with the Honourable *Georgiana Charlotte*, commonly called Lady *Georgiana Charlotte*, his now Wife, and to enable him to marry again; and for other Purposes.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE SECOND SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM,

12° & 13° VICTORIÆ,

1849.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that stage of the Bill.*

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In the headings of Vols. cii., ciii., civ., cv., and cvi., page 1, line 6, *instead of* "appointed to meet 2 November, 1848," *read* "appointed to meet 21 September, 1847."

Vol. 107, page 261, line 6, *for* Ayes 24; Noes 72, *read* Ayes 72, Noes 24.
— 724, — 51, *for* Clarence *read* Clarina.
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